PREFACE

This supplement contains amendments to the environmental regulations adopted during the 1st quarter of 2014 (January - March).

The amendments in this publication include the following:

Media	Rule Log #	Final Date
Part III. Air	AQ329S	March 20, 2014
	AQ330S	March 20, 2014
Part VII. Solid Waste	SW055	February 20, 2014
Part XV. Radiation Protection	RP055ft	February 20, 2014

Log # Suffix Key:

ft – Fast-Track Rule - Federal regulations promulgated in accordance with expedited procedures in R.S. 49:953(F)(3)
F – Federal Language
L – Louisiana Language
S – Substantive Changes to Proposed Rule
P – Rule resulting from a Petition for Rulemaking

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This book belongs to:

Name:

Company:

Phone #: ( )

NOTES:

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Subpart 2. Recycling

Part XV. Radiation Protection

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ENVIRONMENTAL QUALITY
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§2701. Asbestos-Containing Materials (ACM) in Schools and State Buildings

A. -B.1. …

2. Except for the requirement to submit Form AAC-8 pursuant to LAC 33:III.2723.A, state buildings built after 1978 are exempt from the requirements of this Chapter if:

a. the state building is not used as a school building for the education of grades kindergarten through post-graduate; or

b. the state building does not contain asbestos as determined through review and approval of the Office of Environmental Services prior to occupancy of the building by:

i. a signed s*tatement(s) of no asbestos in construction* as defined in LAC 33:III.2703.A that addresses the entire building, and all additions and renovations; or

ii. an inspection report submitted in accordance with LAC 33:III.2707 as a result of an inspection stating that no asbestos is contained in, or on the outside of the state building, together with signed statement(s) of no asbestos in construction that address all additions and renovations conducted after the inspection; and

c. a copy of the department approval of any documents submitted pursuant to Subparagraph B.2.a. of this Subsection shall be maintained at the administrative office of the building.

3. Except for the requirement to submit Form AAC-8 pursuant to LAC 33:III.2723.A, state buildings built prior to 1979 are exempt from the requirements of this Chapter provided that:

a. the building is not used as a school building for the education of grades kindergarten through post-graduate;

b. prior to occupancy, the department reviews and approves documentation of one of the following:

i. the complete renovation of the state building after January 1, 1979 that complied with the following:

(a). an inspection conducted during the renovation that showed that all ACM was removed from the inside and the outside of the building; and

(b). no asbestos containing material was added in the renovations as documented by signed statement(s) of no asbestos in construction; or

ii. an inspection conducted in accordance with LAC 33:III.2707.A reveals that no asbestos is contained in or on the outside of the state building; and

c. no asbestos containing materials were added to the building subsequent to the inspection conducted pursuant to Clause B.3.b.i of this Section or the renovation conducted in accordance with Clause B.3.b.ii of this Section as documented by signed statement(s) of no asbestos in construction;

d. a copy of the documentation submitted pursuant to Subparagraphs B.3.b and c of this Section shall be submitted to the Office of Environmental Services; and

e. a copy of the documentation submitted pursuant to Subparagraphs B.3.b and c of this Section and department approval shall be maintained at the building administrative office.

C. Scope

1. This regulation requires local education agencies and the state government to identify friable and nonfriable ACM in schools and state buildings by visually inspecting schools and state buildings for such materials, sampling such materials if they are not assumed to be ACM, and having samples analyzed by appropriate techniques referred to in this Rule. The regulation requires local education agencies and the state government to submit management plans to the Office of Environmental Services at least 30 days prior to occupancy of any school or state building, and implement the plan within 180 days after occupancy.

2. If an exemption is requested for a state building that contains no asbestos, a determination supporting that exemption shall be submitted in accordance with Subparagraph B.2.b or 3.b of this Section.

3. Management plans submitted to and approved by the Department of Environmental Quality shall meet the inspection and assessment requirements of this Chapter.

4. In addition, local education agencies and the state government are required to employ persons who have been accredited to conduct inspections, reinspections, develop management plans, or perform response actions including the design of those actions.

5. The regulation also includes recordkeeping requirements.

6. Local education agencies and the state government may contractually delegate their duties under this Rule, but they remain responsible for the proper performance of those duties.

7. Local education agencies and the state government are encouraged to consult with the Office of Environmental Compliance of the Department of Environmental Quality for assistance in complying with this Rule.

8. Local education agencies and the state government shall provide for the transportation and disposal of asbestos in accordance with provisions of LAC 33:III.Chapter 51.Subchapter M.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended LR 16:1056 (December 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:698 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2443 (October 2005), LR 33:2089 (October 2007), amended by the Office of the Secretary, Legal Division, LR 40:500 (March 2014).

§2703. Definitions

A. The terms used in this Chapter are defined in LAC 33:III.111 and LAC 33:III.5151.B of these regulations with the exception of those terms specifically defined in this Section as follows.

* * *

Accredited or *Accreditation*—when referring to a person, *accreditation* by the Department of Environmental Quality under the provisions of LAC 33:III.2799 and when referring to a laboratory, *accreditation* under the provisions of LAC 33:I, Subpart 3, Chapters 45-59.

* * *

Asbestos-Containing Material (ACM)—when referring to schools or state buildings, any material or product which contains more than 1 percent asbestos as determined by using the method specified in appendix E, subpart E, 40 CFR 763, section 1, polarized light microscopy.

* * *

Category I Nonfriable ACM—asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined by using the method specified in appendix E, subpart E, 40 CFR 763, section 1, polarized light microscopy that when dry cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Category II Nonfriable ACM—any material, excluding category I nonfriable ACM, containing more than 1 percent asbestos as determined by using the method specified in appendix E, subpart E, 40 CFR 763, section 1, polarized light microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Damaged Floor Covering that Contains ACM—resilient floor covering or the mastic used to attach it to the floor surface that contains ACM which has deteriorated or sustained physical impact such that the internal structure (cohesion) of the material is inadequate or, if applicable, which has delaminated such that its bond to the substrate (adhesion) is inadequate or which for any other reason lacks fiber cohesion or adhesion qualities. Such damage or deterioration may be illustrated by the separation of ACM into layers; separation of ACM from the substrate; flaking, blistering or crumbling of the ACM surface; water damage; significant or repeated water stains; scrapes, gouges, or mars; or other signs of physical impact on the ACM. Asbestos debris originating from the ACBM in question may also indicate damage.

* * *

Facility Component—any part of a facility, including equipment, that is under the control of a local education agency or the state.

* * *

Friable Asbestos-Containing Material (ACM)—any material containing more than 1 percent asbestos as determined by using the method specified in appendix E, subpart E, 40 CFR 763, section 1, polarized light microscopy, which has been applied on ceilings, walls, structural members, piping, duct work, or any other part of the building, which when dry, may be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), the asbestos content can be verified by point counting using PLM or assume the amount to be greater than 1 percent and treat the material as ACM.

* * *

Guest Instructor—an individual with expertise in a specific non-asbestos field who is designated by the RATP or principal trainer to provide instruction specific to certain course topics (i.e., law, medicine, etc.).

* * *

Inspection—any activity undertaken in a school building, or a state building, to determine the presence or location, or to assess the condition of friable or nonfriable asbestos-containing material (ACM), whether by visual or physical examination, or by collecting samples of such material. This term includes reinspections of friable and nonfriable known or assumed ACM which has been previously identified. The term does not include the following:

a. - b. …

c. visual inspections of the type described in LAC 33:III.2717.J solely for the purpose of determining completion of response actions.

Local Education Agency—

a. a public board of education or other authority legally constituted within Louisiana for either administrative control or direction of, or to perform a service function for, public or private; profit or nonprofit; day, night, or residential schools; elementary or secondary schools, colleges, graduate, medical, dental, or post-graduate education institutions;

b. the governing authority of any elementary or secondary school, college, or post-graduate education institution.

* * *

Operations and Maintenance Program (O and M)—a program of work practices to maintain regulated ACM in good condition, ensure cleanup of asbestos fibers previously released, and prevent further release by minimizing and controlling disturbance or damage of regulated ACM.

* * *

Principal Trainer—the trainers recognized by the department and identified by the RATP in its application for recognition to provide instruction in asbestos training courses (e.g., inspector, etc.).

* * *

Recognized Asbestos Training Provider (RATP)—a person or organization recognized by the department, to provide training related to asbestos activities conducted in Louisiana.

Regulated Asbestos-Containing Material (RACM)—

a. friable asbestos material;

b. category I and II nonfriable ACM that has become friable such as asbestos-cement material that is not removed from a facility prior to demolition;

c. category I and II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, ground, sanded, cut, abraded, or reduced to powder by the forces that have acted or are expected to act on the material in the course of demolition or renovation operations; or

d. resilient floor covering or the asbestos-containing mastic used to attach it to the floor surface that is scraped, sanded, abraded, bead blasted, cut, ground, crumbled, pulverized, or reduced to powder by any means, including hand and mechanical equipment. This definition does not include resilient floor covering removed by using dry ice, heat, wet methods, and chemicals where the tiles or sheeting are removed intact (minor tears or minor breakage is acceptable where, for all intents and purposes, the flooring is considered whole) or asbestos-containing mastic that has been removed by chemical or other means that results in the asbestos fibers in ACWM being bound within a macro substrate and cannot reasonably become airborne unless further forces are applied.

* * *

Related Scientific Field—animal science, biological sciences, chemistry, geosciences, atmospheric sciences, soil sciences, physical geography, physics, health sciences, toxicology, environmental sciences, wildlife and fisheries sciences, engineering, nuclear science, agronomy, forestry, health physics, medical physics, or statistics and quantitative methods.

* * *

Resilient Floor Covering—asbestos-containing floor tiles, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than 1 percent asbestos as determined by using polarized light microscopy according to the method specified in appendix E, subpart E, 40 CFR 763, section 1, polarized light microscopy.

* * *

Response Action—a method, including removal, encapsulation, enclosure, repair, operations, and maintenance, that protects human health and the environment from regulated ACM.

Responsible Official—

a. for a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation,

b. for a partnership or sole proprietorship: a general partner or the proprietor, respectively. If a general partner is a corporation, the provisions of Subparagraph a of this definition apply; or

c. for a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this definition, a principal executive officer of a federal agency includes the chief executive officer having a responsibility for the overall operations of a principal geographic unit of the agency.

* * *

School—any profit or nonprofit; public or private; day, night, or residential school that provides elementary, including head start and pre-K programs located on elementary school campuses, secondary, college, graduate, medical, dental, or post-graduate education, as determined under state law, or any school of any agency of the United States. Schools do not include locations where the primary purpose is not the education of students, but that provide for internships or other on the job training.

School Building—

a. - e. …

f. any exterior structure, portico or covered exterior hallway or walkway and any exterior portion of a mechanical system used to condition interior space.

Significantly Damaged Floor Covering that Contains ACM—damaged floor covering that contains ACM where the damage is extensive and severe.

* * *

Small-Scale, Short-Duration Activities (SSSD)—tasks that involve less than or equal to 3 square feet or 3 linear feet of ACM.

State Building—a building, or portion thereof, owned, used, or leased by the state of Louisiana. If the state does not own, lease, occupy, or use the entire building, the *state building* shall be only:

a. that portion of the building, owned, leased, occupied, or used by the state;

b. facility components as defined in LAC 33:III.2703;

c. work areas, kitchens, restrooms, and other common areas that are co-owned, leased, or used by the state together with others; and

d. any other portion of the building that shares a common heating, ventilation, and air conditioning (HVAC) system or common ingress/egress points with that portion of the building owned, leased, occupied or used by the state.

State Government—the state of Louisiana and any state agency as defined in R.S. 13:5102 that owns, leases, occupies, or uses the state building.

State of Louisiana or *State*—the state of Louisiana or any state agency as defined in R.S. 13:5102.

Statement(s) of No Asbestos in Construction—

a. a signed written statement, by an architect, project engineer, or other principal responsible for the construction or renovation of the building, or a portion thereof, that no ACM was specified as a building material in the applicable construction documents for the building, or portion thereof (multiple signatures may be necessary to address the entire building); or

b. a signed written statement by an accredited asbestos inspector who has conducted a thorough review of documents related to the construction or renovation of the building that no ACM was specified as a building material in the construction documents for the building, including all subsequent additions or renovations.

* * *

Training Hour—at least 50 minutes of actual teaching including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

Training Manager—the individual responsible for administering a training program and monitoring the performance of the principal trainers and guest instructors; either serves as the signatory for training certificates or may designate other responsible individuals in the organization, or trainers as signatories.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:699 (August 1996), amended by the Office of the Secretary, Legal Division, LR 40:501 (March 2014).

§2705. General Local Education Agency, State, or Local Government Responsibilities

A. - A.7. …

8. ensure that the person designated under Paragraph A.7 of this Section receives training from a recognized instructor qualified to provide training to perform duties assigned under this Section. Such training shall provide, as necessary, basic knowledge of:

8.a. - 9. …

B. The requirements of this Chapter in no way supersede the worker protection and work practice requirements under 29 CFR 1910.1001 (Occupational Safety and Health Administration [OSHA] asbestos worker protection standards for general industry), 1926.1101 (OSHA asbestos worker protection standards for construction), 40 CFR 763, subpart G (EPA asbestos worker protection standards for public employees), LAC 33:III.2799, Appendix A, and LAC 33:III.Chapter 51, Subchapter M.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), amended by the Office of the Secretary, Legal Division, LR 40:503 (March 2014).

§2707. Inspection and Reinspections

A. Inspection

1. Except as provided in LAC 33:III.2701.B.2 and 3, and LAC 33:III.2735, each local education agency and the state government shall inspect each school or state building that they lease, own, occupy, or use to identify all locations of friable and nonfriable ACBM as specified in this Section and LAC 33:III.2701.C.1.

2. Any building leased or acquired that is to be used as a school or state building shall be inspected as described under Paragraphs A.3, 4, and 5 of this Section prior to use as a school or state building.

3. In the event that emergency use of an uninspected building as a school or state building is necessitated, such buildings shall be inspected within 30 days after the decision to use them.

4. Each inspection of a school or state building shall be made by an accredited inspector.

5. For each area of a school or state building, except as excluded under LAC 33:III.2735, each person performing an inspection shall:

a. visually inspect the area to identify the locations of all suspected ACM;

b. touch all suspected ACM to determine whether it is friable;

c. identify all homogeneous areas of friable suspected ACM and all homogeneous areas of nonfriable suspected ACM;

d. assume that some or all of the homogeneous areas are ACM, and for each homogeneous area that is not

assumed to be ACM, collect and submit for analysis bulk samples under LAC 33:III.2709 and 2711;

e. assess, under LAC 33:III.2713, friable material in areas where samples are collected, friable material in areas that are assumed to be ACM, and friable ACM identified during a previous inspection; and

f. prepare a report that includes the necessary information and submit to the person designated under LAC 33:III.2705 a copy of such report for inclusion in the management plan within 30 days of the inspection. The report shall include:

i. the date of the inspection signed by each accredited person making the inspection, and a copy of each inspector's accreditation certificate current at the time of inspection;

ii. an inventory of the locations of the homogeneous areas where samples were collected, exact locations where each bulk sample is collected, dates that samples are collected, homogeneous areas where friable suspected ACBM is assumed to be ACM, and homogeneous areas where nonfriable suspected ACBM is assumed to be ACM;

iii. a description of the manner used to determine sampling locations, and the name and signature of each accredited inspector who collected the samples and a copy of the inspector's accreditation certificate current at the time of inspection;

iv. a list of whether the homogeneous areas identified under Subparagraph A.5.d of this Section are surfacing material, thermal system insulation, or miscellaneous material; and

v. assessments made of friable material pursuant to Subparagraph A.5.e of this Section, the names and signatures of all accredited inspectors making the assessment, and a copy of the inspector's accreditation certificate current at the time of inspection.

B. Reinspection

1. At least once every three years after a management plan is in effect, each local education agency shall conduct a reinspection of all friable and nonfriable known or assumed ACBM in each school building that they lease, own, or use for head start, pre-K programs, elementary, or secondary education.

1.a. - 3.g. …

h. record the following and submit to the person designated under LAC 33:III.2705 a copy of such record for inclusion in the management plan within 30 days of the reinspection:

i. the date of the reinspection, the name and signature of the person making the reinspection, a copy of his or her accreditation certificate current at the time of the reinspection, and any changes in the condition of known or assumed ACBM;

ii. the exact locations where samples are collected during the reinspection, a description of the manner used to choose sampling locations, the name and signature of each accredited inspector who collected the samples, a copy of the accreditation certificate current at the time of the reinspection; and

iii. any assessments or reassessments made of friable material, the name and signature of the accredited inspector making the assessments, and a copy of accreditation certificate current at the time of assessment or reassessment.

C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:699 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1222 (August 2001), amended by the Office of the Secretary, Legal Division, LR 40:503 (March 2014).

§2711. Analysis

A. Local education agencies and the state government shall have bulk samples, collected under LAC 33:III.2709, and air samples collected under LAC 33:III.2717, and submitted for analysis, analyzed for asbestos using laboratories accredited under the provisions of LAC 33:I, Subpart 3, Chapters 45-59.

B. Bulk samples shall not be composited for analysis and shall be analyzed for asbestos content by polarized light microscopy (PLM), using the "interim method for the determination of asbestos in bulk insulation samples," found at 40 CFR 763, subpart E, appendix E.

C. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), amended LR 22:699 (August 1996), amended by the Office of the Secretary, Legal Division, LR 40:504 (March 2014).

§2713. Assessment

A. The local education agency or state government shall have an accredited inspector provide the following.

1. …

2. Each accredited inspector providing a written assessment shall sign and date the assessment, include a copy of his or her accreditation certificate current at the time of assessment and submit a copy of the assessment to the person designated under LAC 33:III.2705 for inclusion in the management plan within 30 days of the assessment.

B. - C.6. …

D. The local education agency or the state government shall select a person accredited to develop management plans to review the results of each inspection, reinspection, and assessment for the school or state building and to conduct any other necessary activities in order to recommend in writing to the local education agency or the state government appropriate response actions. The accredited person shall sign and date the recommendation, provide a copy of his or her accreditation certificate current at the time of management plan development or other action, and submit a copy of the recommendation to the person designated under LAC 33:III.2705.A.7.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), amended by the Office of the Secretary, Legal Division, LR 40:504 (March 2014).

§2717. Response Actions

A. The local education agency or the state government shall select and implement in a timely manner the appropriate response actions in this Section consistent with the assessment conducted in LAC 33:III.2713. The response actions selected shall be sufficient to protect human health and the environment. The local education agency or the state government may then select, from the response actions which protect human health and the environment, that action which is the least burdensome method. Nothing in this Section shall be construed to prohibit removal of ACBM from a school or state building at any time, should removal be the preferred response action of the local education agency or the state government. If any damaged or significantly damaged thermal system insulation, friable surfacing ACM or miscellaneous ACM is present, the local education agency or the state government shall:

1. immediately isolate the area with the damaged or significantly damaged thermal system insulation, and restrict access to protect human health and the environment until the response action is completed; and

2. perform any response actions in accordance with appropriate requirements as provided in LAC 33:III.5151.

B. If damaged or significantly damaged thermal system insulation ACM is present in a building, the local education agency or the state government shall:

1. repair the damaged area;

2. remove the damaged material if it is not feasible, due to technological factors, to repair the damage; and

3. maintain all thermal system insulation ACM and its covering in an intact state and undamaged condition.

C. Selection of Response Action for Damaged ACM

1. If damaged friable surfacing ACM or damaged friable miscellaneous ACM or damaged floor covering that contains ACM is present in a school or state building, the local education agency, or the state government shall select from among the following response actions: encapsulation, enclosure, removal, or repair of the damaged material.

2. In selecting the response action from among those that meet the definition in LAC 33:III.2703 and, the local education agency or the state government shall determine which of these response actions protects human health and the environment. For purposes of determining which of these response actions are the least burdensome, the local education agency or the state government may then consider local circumstances, including occupancy and use patterns within the school or state building, and its economic concerns, including short- and long-term costs.

D. Selection of Response Action for Significantly Damaged ACM

1. If significantly damaged friable surfacing ACM or significantly damaged friable miscellaneous ACM or significantly damaged floor coverings as defined in LAC 33:III.2703.A that contain ACM is present in a school or state building, the local education agency or the state government shall remove the material in the functional space, or depending upon whether enclosure or encapsulation would be sufficient to protect human health and the environment, enclose or encapsulate.

E. If any friable surfacing ACM, thermal system insulation ACM friable miscellaneous ACM, or floor coverings that contain ACM that has potential for damage is present in a building, the local education agency or the state government shall at least implement an operations and maintenance (O and M) program, as described under LAC 33:III.2719.

F. If any friable surfacing ACM, thermal system insulation ACM, friable miscellaneous ACM, or any floor covering that contains ACM that has potential for significant damage is present in a building, the local education agency or the state government shall:

1. - 3. …

G. A response action related to removal of floor coverings that contain ACM in a school or state building shall follow the requirements of this Section and those requirements related to renovations in LAC 33:III.5151.F. and J.

H. Response actions including removal, encapsulation, enclosure, or repair, other than SSSD repairs, shall be designed, supervised and conducted by persons accredited to design, supervise and conduct response actions.

I. Local education agencies and the state government shall comply with either the OSHA asbestos worker protection for general industry at 29 CFR 1910.1001 or the asbestos construction standard at 29 CFR 1926.1101, whichever is applicable.

J. Completion of Response Actions

1. At the conclusion of any action to remove, encapsulate, or enclose ACBM or material assumed to be

ACBM, a person designated by the local education agency or the state government, shall visually inspect each functional space where such action was conducted to determine whether the action has been properly completed.

2. The following requirements apply to collection and analysis of air samples.

a. A person designated by the local education agency or the state government shall collect air samples using aggressive sampling as described in EPA regulations contained in 40 CFR 763, subpart E, appendix A to monitor air for clearance after each removal, encapsulation, and enclosure project involving ACBM, except for SSSD projects.

b. Local education agencies and the state government shall have air samples collected under this Section analyzed for asbestos using laboratories accredited by the Department of Environmental Quality according to LAC 33:I, Subpart 3, Chapters 45-59, to conduct such analysis using phase contrast microscopy (PCM) and transmission electron microscopy (TEM) equipped with an energy dispersive x-ray analysis system or, under circumstances permitted in this Section.

3. Except as provided in Paragraph J.4, 5, or 7 of this Section, an action to remove, encapsulate, or enclose ACBM shall be considered complete when the average concentration of asbestos of five air samples collected within the affected functional space and analyzed by the TEM method contained in EPA regulations 40 CFR 763, subpart E, appendix A is not statistically significantly different, as determined by the Z-test calculation found in EPA regulations 40 CFR 763, subpart E, appendix A from the average asbestos concentration of five air samples collected at the same time outside the affected functional space and analyzed in the same manner, and the average asbestos concentration of the three field blanks described in EPA regulations, 40 CFR 763, subpart E, appendix A is below the filter background level of 70 structures per square millimeter (70 s/mm^2).

4. An action may also be considered complete if the volume of air drawn for each of the five samples collected within the affected functional space is equal to or greater than 1,199 L of air for a 25-mm filter or equal to or greater than 2,799 L of air for a 37-mm filter, and the average concentration of asbestos as analyzed by the TEM method in EPA regulations, 40 CFR 763, subpart E, appendix A for the five air samples does not exceed the filter background level of 70 structures per square millimeter (70 s/mm^2). If the average concentration of asbestos of the five air samples within the affected functional space exceeds 70 s/mm^2, or if the volume of air in each of the samples is less than 1,199 L of air for a 25-mm filter or less than 2,799 L of air for a 37-mm filter, the action shall be considered complete only when the requirements of Paragraph J.3 or 5 of this Section are met.

5. At any time, a local education agency or the state government may analyze air monitoring samples collected for clearance purposes by phase contrast microscopy (PCM) to confirm completion of removal, encapsulation, or enclosure of ACBM that is greater than SSSD and less than or equal to 64 square feet or 60 linear feet. The action shall be considered complete when the results of samples collected in the affected functional space and analyzed by PCM using the National Institute for Occupational Safety and Health (NIOSH) Method 7400 entitled "Fibers" published in the NIOSH Manual of Analytical Methods, 3rd Edition, Second Supplement, August 1987, show that the concentration of fibers for each of the five samples is less than or equal to a limit of quantitation for PCM (0.01 fibers per cubic centimeter [0.01 f/cm^3] of air). A description of the method is available at the Office of the Federal Register information center. The method is incorporated as it exists on the effective date of this Rule, and a notice of any change to the method will be published in the *Louisiana Register*.

6. To determine the amount of ACM affected under Paragraph J.5 of this Section, the local education agency or the state government shall add the total square or linear footage of ACM within the containment barriers used to isolate the functional space for the action to remove, encapsulate, or enclose the ACM. Contiguous portions of material subject to such action conducted concurrently or at approximately the same time within the same school or state building shall not be separated to qualify under Paragraph J.5 of this Section.

7. In the case of a demolition of a school or state building where occupants will not reenter the building, clearance sampling is not required.

K. Response actions in a school building, state building, or public and commercial building including removal, encapsulation, enclosure, or repair, other than SSSD shall be designed, supervised, and conducted by persons accredited to perform such activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:699 (August 1996), amended by the Office of the Secretary, Legal Division, LR 40:504 (March 2014).

§2719. Operations and Maintenance

A. Applicability. The local education agency or the state government shall implement and maintain an operations, maintenance, and repair (O and M) program under this Section whenever any friable ACM is present or assumed to be present in a building that it leases, owns, or otherwise uses as a school or state building. Any material identified as nonfriable ACM or nonfriable assumed ACM shall be treated as friable ACM for the purposes of this Section when the material is about to become friable as a result of activities performed in the school or state building.

B. Worker Protection. Local education agencies and the state government shall comply with either the OSHA asbestos worker protection for general industry at 29 CFR

1910.1001 or the asbestos construction standard at 29 CFR 1926.1101, whichever is applicable. Local education agencies and the state government may consult EPA regulations contained in 40 CFR 763, subpart E if their employees are performing small-scale operations, maintenance, and repair activities of short-duration.

C. - D.5. …

6. Place the asbestos debris and other cleaning materials in sealed, clear, leak-tight containers properly labeled as may be required by LAC 33:III.5151.F.

E. Maintenance Activities other than Small-Scale, Short-Duration. Maintenance activity that disturbs friable ACM in a school building, state building, or public and commercial building including removal, encapsulation, enclosure, or repair, other than SSSD shall be designed, supervised, and conducted by persons accredited to perform such activities.

F. Fiber Release Episodes

1. - 1.b. …

c. Place the asbestos debris in a sealed, leak-tight container properly labeled as may be required by LAC 33:III.5151.F.

1.d. - 2.c. …

3. A response action to a major fiber release in a school building, state building, including removal, encapsulation, enclosure, or repair, other than SSSD shall be designed, supervised, and conducted by persons accredited to perform such activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:699 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), LR 30:1672 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2444 (October 2005), LR 33:2090 (October 2007), amended by the Office of the Secretary, Legal Division, LR 40:506 (March 2014).

§2721. Training and Periodic Surveillance

A. - A.2.b. …

c. the provisions of this Section and LAC 33:III.2717, LAC 33:III.2799, Appendix A, regulations contained in LAC 33:III.Chapter 51, Subchapter M, EPA regulations contained in 40 CFR 763, subpart G, and OSHA regulations contained in 29 CFR 1926.1101; and

2.d. - 4. …

B. Periodic Surveillance

1. At least once every six months after a management plan is in effect, each local education agency or the state government shall conduct periodic surveillance in each building that it leases, owns, or uses as a school or state building that contains ACBM or is assumed to contain ACBM.

2. - 2.c. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1222 (August 2001), amended by the Office of the Secretary, Legal Division, LR 40:506 (March 2014).

§2723. Management Plans

A. Local education agencies or the state government shall submit Form AAC-8 concerning management plans for the following buildings. Local education agencies and the state government are exempt from the requirement to develop and submit a management plan in connection with Form AAC-8 if there has been a determination that there is no asbestos present in the building in accordance with LAC 33:III.2735.A.3, 4, 6, and 7.

1. Each local education agency or the state government shall develop an asbestos management plan for each school, including all buildings that are leased, owned, or used as school or state buildings, and submit the plan to the Office of Environmental Services. After June 20, 1994, the original submittal of each plan shall be submitted at least 30 days prior to its use as a school or state building using the Form AAC-8, required elements for asbestos management plans (latest revised form can be obtained from the Office of Environmental Services or through the department's website. The plan may be submitted in stages, if applicable that cover portions of the school or state building under the authority of the local education agency or the state government as specified in LAC 33:III.2701.C.1.

2. If a building to be used as part of a school or is leased or acquired, the local education agency shall include the additional building in the management plan for the school prior to its use as a school. The revised portions of the management plan shall be submitted to the Office of Environmental Services.

3. If a local education agency or the state government begins to use a building as a school or state building more than 90 days after promulgation of this regulation, the local education agency or the state government shall submit a management plan for the school or state building to the Office of Environmental Services prior to its use as a school or state building. Each plan developed or modified after June 20, 1994, shall include Form AAC-8, required elements for management plans.

B. Each local education agency or the state government shall implement its management plan within 180 days after occupancy.

C. Each local education agency or the state government shall maintain and update its management plan to keep it

current with ongoing operations and maintenance, periodic surveillance, inspection, reinspection, and response action activities. All provisions required to be included in the management plan under this Section shall be retained as part of the management plan (by either hard copy, or as an electronic file), as well as any information that has been revised to bring the plan up-to-date.

D. The management plan shall be developed by a management planner accredited by the department at the time the work was performed, and shall include the following.

1. - 2.e. …

3. The following shall be included for each inspection and reinspection conducted under LAC 33:III.2707:

a. the date of the inspection or reinspection, the name and signature, and a copy of the accreditation certificate current at the time of inspection of each accredited inspector performing the inspection or reinspection;

b. …

c. a description of the manner used to determine sampling locations, and the name and signature of each accredited inspector collecting samples, and a copy of the accreditation certificate current at the time of inspection;

d. a copy of the analyses of any bulk samples collected and analyzed, the name and address of any laboratory that analyzed bulk samples, a statement that the laboratory meets the applicable requirements of LAC 33:III.2711.A, the date of analysis, the name and signature of the person performing the analysis, and a copy of the laboratory accreditation certificate; and

e. a description of assessments, required under LAC 33:III.2713, of all ACBM and suspected ACBM assumed to be ACM, and the name, signature, and a copy of the accreditation certificate current at the time of inspection of each accredited person making the assessments.

4. The name, address, and telephone number of the person designated under LAC 33:III.2705 to ensure that the duties of the local education agency are carried out, the identity and qualifications of the person providing the training to the person designated, a description of and documentation of the training provided, and dates and training hours taken by that person to carry out the duties shall be included.

5. The recommendations made to the local education agency regarding response actions under LAC 33:III.2713.D, and the name, and signature of each person making the recommendations, and a copy of the accreditation certificate current at the time shall be included.

6. …

7. With respect to the person or persons who inspected for ACBM and who will design or carry out response actions, except for operations and maintenance, with respect to the ACBM, a statement that the person(s) is accredited under the provisions in LAC 33:III.2799, Appendix A and a copy of the accreditation certificate current at the time shall be included.

8. A detailed description in the form of a blueprint, diagram, or in writing of any ACBM or suspected ACBM assumed to be ACM that remains in the school or state building once response actions are undertaken pursuant to LAC 33:III.2717 shall be included. This description shall be updated as response actions are completed.

D.9. - F.3. …

4. Upon submission of its management plan and at least once each year, the local education agency or the state government shall provide notice to parents, teachers, and employees of the availability of management plans by one or more of the following: letter, e-mail, text message, or website post. The management plan shall include a description of the steps taken to provide notice and a dated copy of the notification.

G. - H. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2457 (November 2000), amended by the Office of Environmental Assessment, LR 30:2021 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2444 (October 2005), LR 33:2090 (October 2007), amended by the Office of the Secretary, Legal Division, LR 40:507 (March 2014).

§2725. Recordkeeping

A. Records required under this Section shall be maintained in a centralized location in the administrative office of the school, state building, local education agency, or state government as part of the management plan. The records may be kept in hard copy or electronic format providing all necessary information and documentation (e.g., signature) is included. For each homogeneous area where all ACBM has been removed, the local education agency or the state government shall ensure that such records are retained for three years after the next reinspection required under LAC 33:III.2707.B.1, or for an equivalent period.

B. For each preventive measure and response action taken for friable and nonfriable ACBM and friable and nonfriable suspected ACBM assumed to be ACM, the local education agency or the state government shall provide:

1. a detailed written description of the measure or action, including methods used, the location where the measure or action was taken, reasons for selecting the measure or action, start and completion dates of the work, names and addresses of all contractors involved, accreditation numbers of contractors at the time of the action, and if ACBM is removed, the name and location of the storage or disposal site of the ACM; and

2. the name and signature of any person collecting any air sample required to be collected at the completion of certain response actions specified by LAC 33:III.2717.J, the locations where samples were collected, date of collection, the name and address of the laboratory analyzing the samples, the date of analysis, the results of the analysis, the method of analysis, the name and signature of the person performing the analysis, and a statement that the laboratory meets the applicable requirements of LAC 33:III.2717.J.2.b, and a copy of the laboratory accreditation certificate.

C. - H. …

I. For the person designated under LAC 33:III.2705.A.7, the local education agency or state government shall provide the person's name, job title, the date training was received, the name and qualifications of the person providing the training to the designated person, a description and documentation of the training provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), amended by the Office of the Secretary, Legal Division, LR 40:508 (March 2014).

§2735. Exclusions

A. - A.6. …

7. An architect or project engineer responsible for the construction of a new school building built after October 12, 1988, or an accredited inspector signs a statement that no ACBM was specified as a building material in any construction document for the building or, to the best of his or her knowledge, no ACBM was used as a building material in the building. The local education agency shall submit a copy of the signed statement of the architect, project engineer, or accredited inspector to the Office of Environmental Services and shall complete applicable portions of Form AAC-8 (pages 1, 4, and 5) to serve as that portion of the management plan for that school.

B. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2457 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2444 (October 2005), LR 33:2090 (October 2007), amended by the Office of the Secretary, Legal Division, LR 40:508 (March 2014).

§2739. Agent Accreditation

A. Applicability. The provisions of this Section are applicable to all persons who are involved in abatement, disposal, and/or maintenance involving friable ACM in schools, and state buildings.

B. - B.2. …

3. Workers who are engaged in maintenance that disturbs more than 3 square or linear feet of ACBM which does involve its actual removal, enclosure, repair, or encapsulation shall receive their initial and refresher training from a recognized training provider in accordance with these regulations. This training shall be in accordance with the asbestos abatement worker course as described in LAC 33:III.2799, Appendix A, Paragraph B.5, Initial Training and Subsection D, Refresher Training Courses. Workers who participate in the type of project described in this Paragraph shall be accredited in accordance with LAC 33:III.2799, Appendix A and shall work under the close direction of an accredited supervisor during any work they perform.

4. Supervisors who are directing workers who may disturb ACM shall receive their initial and refresher training in accordance with LAC 33:III.2799, Appendix A, Paragraph B.4, and Subsection D, Refresher Training Courses from a recognized training provider in accordance with these regulations. Supervisors who participate in the type of project referenced in this Paragraph are responsible for ensuring that:

4.a. - 5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended LR 16:397 (May 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2457 (November 2000), amended by the Office of the Secretary, Legal Division, LR 40:508 (March 2014).

§2741. Recognized Asbestos Training Providers (RATP) and Principal Trainers

A. The r*ecognized asbestos training providers* (*RATP)* as defined in LAC 33:III.2703.A and its principal trainers shall comply with and direct others to comply with LAC 33:III.Chapters 27 and 51, and other applicable federal, state, and local regulations.

B. Asbestos Training Course Requirements. The courses conducted by the RATP and its principal trainers shall meet the following requirements.

1. Training courses shall:

a. meet the requirements of LAC 33:III.2799, Appendix A and TSCA title II; and

b. be directed to the training materials and be conducted in a professional manner.

2. Initial training courses shall:

a. include a minimum of two training hours of instruction as provided in LAC 33:III.Chapters 27 and 51; and

b. be taught according to the criteria and length of time as specified in LAC 33:III.2799, Appendix A, Subsection A.

3. Refresher training courses shall be taught according to the criteria and length of time as specified in LAC 33:III.2799, Appendix D.

4. Principal Trainers. The principal trainer shall not be a student in the course.

5. Training in a Foreign Language

a. The training materials used shall be written in the language used for teaching the class.

b. The principal trainer shall be fluent in the language in which the class is being taught to the students.

c. Each student taking the class shall be fluent in the language used by the principal trainer.

6. Training Facility. The instruction room shall be housed in a commercial or industrial type setting.

a. The room shall be set up in classroom style setting with an instruction board for the principal trainer to write on, seats, and flat writing surfaces for the students.

b. The size of the room shall be adequate for instruction, including presentation equipment and hands on training.

7. The principal trainers may utilize guest instructors.

8. Training Materials

a. Audio-visual methods, such as the use of overheads, slides, and projectors may be used as supplemental training materials.

b. The training materials shall be applicable to the class being taught and include the latest version of the course materials submitted to the department with the initial or renewal application.

c. The training materials shall include the most current versions of the DEQ forms posted on the department's website.

9. Each student shall be provided with a face photo to attach to his or her application for accreditation.

10. Training Audits

a. Training course providers and principal trainers shall permit representatives of EPA or the department to attend, evaluate, and monitor any training course without charge.

b. Unannounced audits may be conducted by the department to ensure compliance with federal and state requirements for specific training courses.

C. Training Completion Certificates

1. Unique sequentially-numbered certificates shall be issued to students who successfully pass the training course. The certificate shall include:

a. student's name;

b. form of photo identification and associated number, (e.g., driver's license or state identification card);

c. the course completed and whether it is initial or refresher training;

d. dates of the training course and the examination;

e. expiration date for training that is one year after the date on which the student completed the course,

f. language in which the course was taught;

g. original signature of the principal trainer(s);

h. the name, address, and telephone number of the RATP;

i. the discipline for which training was received; and

j. a statement that the person receiving the certificate has completed the requisite training for asbestos accreditation as required under this LAC 33:III.2799, Appendix A and the TSCA title II.

2. RATP who provide refresher training shall provide training completion certificates in accordance with Subparagraph C.1.a-j of this Section, except the examination date may be omitted.

D. Recordkeeping Requirements of RATP. All RATP shall comply with the following minimum recordkeeping requirements.

1. Training Course Materials. A RATP shall retain copies of all instructional materials used in the delivery of the classroom training such as student manuals, principal trainer notebooks, and handouts.

2. Principal Trainer Qualifications. A RATP shall retain copies of all principal trainers' résumés, and the documents approving each principal trainer issued by the department in advance whenever it changes course principal trainers. Records shall accurately identify the principal trainers who taught each particular training course for each date that a course is offered.

3. Examinations. A RATP shall document that each person who receives an accreditation certificate for an initial training course has achieved a passing score on the examination. These records shall clearly indicate the date upon which the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam. The topic and dates of the training course shall correspond to those listed on that person's accreditation certificate.

4. Training Certificates. The RATPs shall maintain records that document the names of all persons who have been awarded certificates, their certificate numbers, the

disciplines for which accreditation was conferred, training and expiration dates, and the training location. The RATP shall maintain the records in a manner that allows verification by telephone of the required information.

5. The RATP shall maintain all required records for a minimum of three years. The RATP, however, may retain these records for a longer period of time.

6. The RATP shall allow reasonable access to all of the records required by LAC 33:III.2799, Appendix A, and to any other records which may be required for the approval of asbestos RATPs or the accreditation of asbestos training courses to both EPA and to state agencies on request.

7. If a RATP ceases to conduct training, the RATP shall notify DEQ and give the department the opportunity to take possession of the provider's asbestos training records.

E. RATP Notifications

1. The RATP shall notify the Office of Environmental Services of any change in status of the training organization, (e.g., pending fines, notices of violation, changes in principal trainer status, etc.).

2. The RATP shall notify the Office of Environmental Services of the courses that will be taught, including where, when, and who will conduct the class.

a. The course notification shall include the address of all of the physical locations where the training will be held and the dates for each location.

b. The course notification form shall include the name of each principal trainer for each training course.

c. The course notification shall be received in writing, fax, via email, or other methods of submittal approved by the Office of Environmental Services at least five working days prior to class commencement, or one working day prior to class commencement, if only the Louisiana regulations course will be taught.

3. Notification of cancellation of classes, rescheduling, or amendment of notification shall:

a. be received in writing, fax, via email, or other methods of submittal approved by the Office of Environmental Services one day before the class should have commenced; and

b. indicate the date and time of the course that is being cancelled, rescheduled or amended;

c. rescheduled classes or amended notifications shall also indicate the changes that are being requested. This includes, but is not limited to day, time, locations, principal trainer, etc.

4. Within 10 working days of the completion of a class, the following shall be received by the Office of Environmental Services in a format approved by the department:

a. a complete roster of trainees and each principal trainer participating in the course;

b. a class photograph with a legible name on the back or at the bottom identifying each student and principal trainer;

c. each student's official identification number (e.g., driver's license, state identification card, or passport);

d. a 1" x 1 1/4" photograph of the face (front view) of each student;

e. the name of each principal trainer who taught the class; and

f. each student's examination grades.

i. If a student fails an initial exam, the roster shall include the word "failed" adjacent to the name on the roster.

ii. If a student retakes a previously failed exam, a separate notification shall be received by the Office of Environmental Services within five working days of the exam.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 40:508 (March 2014).

§2799. Appendix A—Agent Accreditation Plan

A. Purpose. Training requirements for purposes of accreditation are specified in both terms of required subjects of instruction and in terms of length of training. The duration of initial and refresher training courses is specified in numbers of days. A day of training equals eight consecutive training hours, including breaks and lunch. Course instruction shall be provided either by DEQ RATPs or from training providers recognized by EPA or an EPA authorized state. The training requirements that follow are for the training of persons required to have accreditation under the Toxic Substances Control Act (TSCA) title II and LAC 33:III.2739.

1. Initial training courses for a specific discipline (e.g., workers, inspectors) require hands-on training. For asbestos abatement supervisors and workers, hands-on training shall include working with asbestos-substitute materials, fitting and using respirators, use of glove-bags, donning protective clothing, constructing a decontamination unit, as well as other abatement work activities. Hands-on training shall permit all supervisors and workers to have actual experience performing tasks associated with asbestos abatement. For inspectors, hands-on training shall include conducting a simulated building walk-through inspection and respirator fit testing.

2. Training requirements for each of the five accredited disciplines are outlined below. Persons in each discipline perform a different job function and distinct role. Inspectors identify and assess the condition of ACM, or suspect ACM. Management planners use data gathered by inspectors to assess the degree of hazard posed by ACBM in schools to determine the scope and timing of appropriate response actions needed for schools. Project designers determine how asbestos abatement work should be

conducted. Lastly, workers and contractor/supervisors carry out and oversee abatement work. Each accredited discipline and training curriculum is separate and distinct from the others. A person seeking accreditation in any of the five accredited MAP disciplines cannot attend two or more courses concurrently, but may attend such courses sequentially. All courses, both initial and refresher, shall be completed within 14 days of the commencement of the course.

B. Initial Training. The following are the initial training course requirements for persons required to have accreditation under LAC 33:III.2739 and Paragraph F.1 of this Section.

1. Inspectors. All persons who inspect for ACM in facilities regulated under LAC 33:III.Chapters 27 and 51, including but not limited to schools, and state buildings, shall be trained in accordance with this Section and accredited by the department. All persons seeking accreditation as inspectors shall complete a three-day training course as outlined below. The three-day program shall include lectures, demonstrations, four training hours of hands-on training, individual respirator fit testing, course review, and a written examination. The use of audiovisual materials is recommended to complement lectures, where appropriate. The inspector training course shall adequately address the following topics. Hands-on training shall include conducting a simulated building walk-through inspection and respirator fit testing.

a. Background Information on Asbestos: identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos.

b. Potential Health Effects Related to Asbestos Exposure: the nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period for asbestos-related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.

c. Functions/Qualifications and Role of Inspectors: discussions of prior experience and qualifications for inspectors and management planners; discussions of the functions of an accredited inspector as compared to those of an accredited management planner; discussion of the inspection process including inventory of ACM and physical assessment.

d. Legal Liabilities and Defenses: responsibilities of the inspector and management planner; a discussion comprehensive general liability policies, claims made and occurrence policies, environmental and pollution liability policy clauses; state liability insurance requirements; bonding and the relationship of insurance availability to bond availability.

e. Understanding Building Systems: the interrelationship between building systems, including an overview of common building physical plant layouts; heat, ventilation, and air conditioning (HVAC) system types-physical organization and where asbestos is found on HVAC components; building mechanical systems, their types and organization, and where to look for asbestos on such systems; inspecting electrical systems, including appropriate safety precautions; reading blueprints and as-build drawings.

f. Public/Employee/Building Occupant Relations: notifying employee organizations about the inspection; signs to warn building occupants; tact in dealing with occupants and the press; scheduling of inspections to minimize disruption; and education of building occupants about actions being taken.

g. Pre-Inspection Planning and Review of Previous Inspection Records: scheduling the inspection and obtaining access; building record review; identification of probable homogeneous areas from blueprints or as-built drawings; consultation with maintenance or building personnel; review of previous inspection, sampling, and abatement records of a building; the role of the inspector in exclusions for previously performed inspections.

h. Inspecting for Friable and Nonfriable Asbestos-Containing Material (ACM) and Assessing the Condition of Friable ACM: procedures to follow in conducting visual inspections for friable and nonfriable ACM; types of building materials that may contain asbestos; touching materials to determine friability; open return air plenums and their importance in HVAC systems; assessing damage, significant damage, potential damage, and potential significant damage; amount of suspected ACM, both in total quantity and as a percentage of the total area; type of damage; accessibility; material's potential for disturbance; known or suspected causes of damage or significant damage; deterioration algorithm methods as assessment factors.

i. Bulk Sampling/Documentation of Asbestos in Buildings: detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials (EPA 560/585-030a October 1985);" techniques to ensure that sampling is randomly distributed for other than friable surfacing materials; sampling of nonfriable materials; techniques for bulk sampling; sampling equipment the inspector should use; additional sampling requirements and chain-of-custody forms if litigation is anticipated; patching or repair of damage done in sampling; an inspector's repair kit; discussion of polarized light microscopy; choosing an accredited laboratory to analyze bulk samples; quality control and quality assurance procedures. The department recommends that all samples be analyzed by a laboratory that meets the requirements of LAC 33:I.Subpart 3.Chapters 45-59.

j. Inspector Respiratory Protection and Personal Protective Equipment: classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-mouth seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing

procedures and their applicability; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; and use, storage, and handling of nondisposable clothing.

k. Recordkeeping and Writing the Inspection Report: labeling of samples and keying sample identification to sampling location; recommendations on sample labeling; detailing of ACM inventory; photographs of selected sampling areas and examples of ACM condition; information required for inclusion in the management plan by LAC 33:III.2723.

l. Regulatory Review: EPA Worker Protection Rule in 40 CFR 763, subpart G, TSCA title II; OSHA asbestos construction standard 29 CFR 1926.1101 et seq.; OSHA respirator requirements found at 29 CFR 1910.134 et seq.; the Asbestos-Containing Materials in Schools and State Buildings Regulation found at LAC 33:III.Chapter 27; LAC 33:III.Chapter 51, Subchapter M; and differences in federal/state requirements where they apply and the effects, if any, on public and nonpublic schools, state and commercial or public buildings.

m. Field Trip: inclusion of a field exercise including a walk-through inspection; on-site discussion on information gathering and determination of sampling locations; on-site practice in physical assessment; classroom discussion of field exercise.

n. Course Review: review of key aspects of the training course.

2. Management Planners. All persons who prepare management plans for facilities regulated under LAC 33:III.Chapters 27 and 51, including but not limited to schools and state buildings shall be trained in accordance with this Section and accredited by the department. Possession of current and valid inspector accreditation shall be a prerequisite for admission to the management planner training course. All persons seeking accreditation as management planners shall complete an inspection training course as outlined above and a two-day management planning training course. The two-day training program shall include lectures, demonstration, course review, and a written examination. The use of audiovisual materials is recommended to complement lectures, where appropriate. The management planner training course shall adequately address the following topics.

a. Course Overview: the role of the management planner; operations and maintenance programs; setting work priorities; protecting building occupants.

b. Evaluation/Interpretation of Survey Results: review of TSCA Title II requirements for inspection and management plans as given in LAC 33:III.2723; summarized field data and laboratory results; comparison of field inspector's data sheet with laboratory results and site survey.

c. Hazard Assessment: amplification of the difference between physical assessment and hazard assessment; the role of the management planner in hazard assessment; explanation of significant damage, damage, potential damage, and potential significant damage; use of a description (or decision tree) code for assessment of ACM; assessment of friable ACM; relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment.

d. Legal Implications: liability; insurance issues specific to planners; liabilities associated with interim control measures, in-house maintenance, repair, and removal; use of results from previously performed inspections.

e. Evaluation and Selection of Control Options: overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method; response actions described via a decision tree or other appropriate method; work practices for each response action; staging and prioritizing of work in both vacant and occupied buildings; the need for containment barriers and decontamination in response actions.

f. Roles of Other Professionals: use of industrial hygienists, engineers, and architects in developing technical specifications for response actions; any requirements that may exist for architect sign-off of plans; team approach to design of high-quality job specifications.

g. Developing an Operations and Maintenance (O and M) Plan: purpose of the plan; discussion of applicable EPA guidance documents; what actions should be taken by custodial staff; proper cleaning procedures; steam cleaning and high-efficiency particulate aerosol (HEPA) vacuuming; reducing disturbance of ACM; scheduling O and M for off-hours; rescheduling or canceling renovation in areas with ACM; boiler room maintenance; disposal of ACM; in-house procedures for ACM—bridging and penetrating encapsulants; pipe fittings; metal sleeves; polyvinyl chloride (PVC), canvas, and wet wraps; muslin with straps; fiber mesh cloth; mineral wool, and insulating cement; discussion of employee protection programs and staff training; case study in developing an O and M plan (development, implementation process, and problems that have been experienced).

h. Regulatory Review: focusing on the OSHA asbestos construction standard 29 CFR 1926.1101 et seq.; LAC 33:III.Chapter 51, Subchapter M; LAC 33:III.Chapter 27; EPA Worker Protection Rule in 40 CFR 763, subpart G.

i. Recordkeeping for the Management Planner: use of field inspector's data sheet along with laboratory results; ongoing recordkeeping as a means of tracking asbestos disturbance; procedures for recordkeeping.

j. Assembling and Submitting the Management Plan: plan requirements in LAC 33:III.2723; the management plan as a planning tool; the proper completion and submittal of required elements for management plans, Form AAC-8.

k. Financing Abatement Actions: economic analysis and cost estimates; development of cost estimates; present costs of abatement versus future operations and maintenance costs; Asbestos School Hazard Abatement Act grants and loans.

l. Course Review: review of key aspects of the training course.

[Note: Persons who perform the management planner role in public and commercial buildings are not required to be accredited. However, persons may find this training and accreditation helpful in preparing them to design or administer asbestos operations and maintenance programs for public and commercial buildings.]

3. Abatement Project Designers. A person shall be trained in accordance with this Section and accredited by the department as a project designer to design any of the following activities with respect to RACM in facilities regulated under LAC 33:III.Chapters 27 and 51, including but not limited to a school or state building: a response action other than a SSSD maintenance activity, a maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity, or a response action for a major fiber release episode. All persons seeking accreditation as abatement project designers shall complete a three-day abatement project designer training course as outlined below. The three-day abatement project designer training program shall include lectures, demonstrations, a field trip, course review, and a written examination. The use of audiovisual materials to complement lecturers, where appropriate, is recommended. The three-day abatement project designer training course shall adequately address the following topics.

a. Background Information on Asbestos: identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos.

b. Potential Health Effects Related to Asbestos Exposure: nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period of asbestos-related diseases; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of other organs.

c. Overview of Abatement Construction Projects: abatement as a portion of a renovation project; OSHA requirements for notification of other contractors on a multi-employer site (29 CFR 1926.1101(d)).

d. Safety System Design Specifications: construction and maintenance of containment barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; entry and exit procedures for the work area; use of wet methods; use of negative pressure exhaust ventilation equipment; use of high-efficiency particulate air (HEPA) vacuums; proper cleanup and disposal of asbestos; work practices as they apply to encapsulation, enclosure, and repair; use of glove bags and a demonstration of glove-bag use.

e. Field Trip: visit to an abatement site or other suitable building site, including on-site discussions of abatement design, building walk-through inspection, and discussion of rationale for the concept of functional spaces during the walk-through.

f. Employee Personal Protective Equipment: the classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); components of a proper respiratory protection program; selection and use of personal protective clothing, including use, storage, and handling of nondisposable clothing; regulations covering personal protective equipment.

g. Additional Safety Hazards: hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire, and explosion hazards.

h. Fiber Aerodynamics and Control: aerodynamic characteristics of asbestos fibers; importance of proper containment barriers; settling time for asbestos fibers; wet methods in abatement; aggressive air monitoring after abatement; aggressive air movement and negative pressure exhaust ventilation as a cleanup method.

i. Designing Abatement Solutions: discussions of removal, enclosure, and encapsulation methods; asbestos waste disposal.

j. Final Clearance Process: discussion of the need for a written sampling rationale for aggressive final air clearance; requirements of a complete visual inspection; the relationship of the visual inspection to final air clearance; and discussion of the use of TEM analysis in the final clearance process.

k. Budgeting/Cost Estimation: development of cost estimates; present costs of abatement versus future operations and maintenance costs; setting priorities for abatement jobs to reduce cost.

l. Writing Abatement Specifications: preparation of and need for a written project design; means and methods specifications versus performance specifications; design of abatement in occupied buildings; modification of guide specifications to fit a particular building; worker and building occupant health/medical considerations; replacement of ACM with nonasbestos substitutes; clearance of work area after abatement; air monitoring for clearance.

m. Preparing Abatement Drawings: significance and need for drawings, use of as-built drawings; use of inspection photographs and on-site reports; methods of preparing abatement drawings; diagramming containment

barriers; relationship of drawings to design specifications; particular problems with abatement drawings.

n. Contract Preparation and Administration

o. Legal/Liabilities/Defenses: insurance considerations; bonding; hold harmless clauses; use of abatement contractor's liability insurance; claims-made versus occurrence policies.

p. Replacement: replacement of asbestos with asbestos-free substitutes.

q. Roles of Other Consultants: development of technical specification sections by industrial hygienists or engineers; the multidisciplinary team approach to abatement design.

r. Occupied Buildings: special design procedures required in occupied buildings; education of occupants; extra monitoring recommendations; staging of work to minimize occupant exposure; scheduling of renovation to minimize exposure.

s. Relevant Federal, State, and Local Regulatory Requirements: procedures and standards, including:

i. requirements of TSCA title II;

ii. LAC 33:III.Chapter 51, Subchapter M, Asbestos;

iii. LAC 33:III.Chapter 27, Asbestos-Containing Material in Schools and Public Buildings;

iv. OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 1910.1001(c) or 29 CFR 1926.1101(c), whichever is applicable);

v. Worker protection rule, in 40 CFR 763, subpart G; and

vi. OSHA asbestos construction standard in 29 CFR 1926.1101 et seq. and OSHA hazard communication standard found at 29 CFR 1910.1200.

t. Course Review: a review of key aspects of the training course.

4. Asbestos Abatement Contractor/Supervisors. A person shall be trained in accordance with this Section and accredited by the department as a contractor/supervisor to supervise any of the following activities with respect to RACM in facilities regulated under LAC 33:III.Chapters 27 and 51, including but not limited to a school or state building,: a response action other than a SSSD activity, a maintenance activity that disturbs RACM other than a SSSD activity, or a response action for a major fiber release episode. All persons seeking accreditation as asbestos abatement supervisors shall complete a five-day training course as outlined below. The training course shall include lectures, demonstrations, at least 14 training hours of hands-on training, individual respirator fit testing, course review, and a written examination. The hands-on training shall include abatement work activities to include working with asbestos-substitute materials, the use of glove bags and protective clothing, proper bagging and wrapping, and constructing a decontamination unit. The use of audiovisual materials is recommended to complement lectures, where appropriate. For purposes of Louisiana state accreditation, asbestos abatement supervisors include those persons who provide supervision and direction to workers engaged in asbestos removal, encapsulation, enclosure, or repair. Supervisors may include those individuals with the position title of foreman, working foreman, or leadman pursuant to collective bargaining agreements. At least one supervisor is required to be at the worksite at all times while work is in progress. Asbestos workers must have access to accredited supervisors throughout the duration of the project. Contracted air-monitoring personnel shall be trained in accordance with this Section and accredited as contractor/supervisor. Hands-on training shall permit supervisors to have actual experience performing tasks associated with asbestos abatement. The supervisor's training course shall adequately address the following topics.

a. The Physical Characteristics of Asbestos and Asbestos-Containing Materials: identification of asbestos; aerodynamic characteristics; typical uses; physical appearance; a review of hazard assessment considerations; summary of abatement control options.

b. Potential Health Effects Related to Asbestos Exposure: the nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; synergism between cigarette smoking and asbestos exposure; latency period for disease.

c. Employee Personal Protective Equipment: classes and characteristics of respirator types; limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing, including use, storage, and handling of nondisposable clothing; regulations covering personal protective equipment.

d. State-of-the-Art Work Practices: proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lockout; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure ventilation equipment; use of high-efficiency particulate air (HEPA) vacuums; proper cleanup and disposal procedures, including bagging and wrapping; work practices for removal, encapsulation, enclosure, and repair; emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures; recommended and prohibited work practices. Discussion of new abatement-related techniques and methodologies may be included.

e. Personal Hygiene: entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area. Potential exposures, such as family exposure, shall also be included.

f. Additional Safety Hazards: hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, and falls, and confined spaces.

g. Medical Monitoring: OSHA and EPA Worker protection rule requirements for physical examinations, including a pulmonary function test, chest x-rays, and a medical history for each employee.

h. Air Monitoring: procedures to determine airborne concentrations of asbestos fibers, including a description of aggressive sampling, sampling equipment and methods, reasons for air monitoring, types of samples, and interpretation of results, specifically from analysis performed by polarized light, phase-contrast, and electron microscopy analyses.

i. Relevant Federal, State, and Local Regulatory Requirements: procedures and standards, including:

i. requirements of TSCA title II;

ii. LAC 33:III.Chapter 51, Subchapter M. Asbestos;

iii. LAC 33:III.Chapter 27, Asbestos-Containing Material in Schools and State Buildings regulation;

iv. OSHA standards for permissible exposure to airborne concentrations of asbestos fibers (29 CFR 1910.1001(c)), 29 CFR 1926.1101(c) and respiratory protection (29 CFR 1910.134 et seq.);

v. OSHA asbestos construction standard (29 CFR 1926.1101 *et seq*.; and

vi. 40 CFR 763, subpart G, worker protection rule.

j. Respiratory protection programs and medical surveillance programs:

i. OSHA standards for respiratory protection (29 CFR 1910.134 et seq.);

ii. OSHA protection factors for respirators (29 CFR 1910.1001(g) et seq. and medical surveillance (29 CFR 1926.1101(m)); and

iii. EPA protection factors for respirators (40 CFR 763.122).

k. Insurance and Liability Issues: contractor issues; worker's compensation coverage and exclusions; third-party liabilities and defenses; insurance coverage and exclusions.

l. Recordkeeping for Asbestos Abatement Projects: records required by federal, state, and local regulations; records recommended for legal and insurance purposes.

m. Supervisory Techniques for Asbestos Abatement Activities: supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.

n. Contract Specifications: discussion of key elements that are included in contract specifications.

o. Course Review: review of key aspects of the training course.

5. Asbestos Abatement Workers. A person shall be trained in accordance with this Section and accredited as a worker by the department to carry out any of the following activities with respect to RACM in facilities regulated under LAC 33:III.Chapters 27 and 51, including but not limited to a school or state building: response action other than a SSSD activity, a maintenance activity that disturbs RACM other than a SSSD activity, or a response action for a major fiber release episode. All persons seeking accreditation as asbestos abatement workers shall complete at least a four-day training course as outlined below. The worker training course shall include lectures, demonstrations, at least 14 training hours of hands-on training, individual respirator fit testing, course review, and an examination. The hands-on training shall include abatement work activities to include working with asbestos-substitute materials, the use of glove bags and protective clothing, proper bagging and wrapping, and constructing a decontamination unit. The use of audiovisual materials is recommended to complement lectures, where appropriate. Hands-on training shall permit workers to have actual experience performing tasks associated with asbestos abatement. A person who is otherwise accredited as a contractor/supervisor may perform in the role of a worker without possessing separate accreditation as a worker. The training course shall adequately address the following topics.

a. Physical Characteristics of Asbestos: identification of asbestos, aerodynamic characteristics, typical uses, and physical appearance, and a summary of abatement control options.

b. Potential Health Effects Related to Asbestos Exposure: the nature of asbestos-related diseases, routes of exposure, dose-response relationships, and the lack of a safe exposure level; synergism between cigarette smoking and asbestos exposure; latency period for disease and a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs.

c. Employee Personal Protective Equipment: classes and characteristics of respirator types; limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing;

use, storage, and handling of nondisposable clothing; and regulations covering personal protective equipment.

d. State-of-the-Art Work Practices: proper work practices for asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lockout; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure ventilation equipment; use of high-efficiency particulate air (HEPA) vacuums; proper cleanup and disposal procedures including wrapping and bagging; work practices for removal, encapsulation, enclosure, and repair, emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices.

e. Personal Hygiene: entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; potential exposures, such as family exposure.

f. Additional Safety Hazards: hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, falls, and confined spaces.

g. Medical Monitoring: OSHA and EPA Worker Protection Rule requirements for a pulmonary function test, chest x-rays, and a medical history for each employee.

h. Air Monitoring: procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it.

i. Relevant Federal, State and Local Regulatory Requirements, Procedures, and Standards: particular attention directed at relevant EPA, OSHA, and state regulations concerning asbestos abatement workers.

j. Establishment of respiratory protection programs.

k. Course Review: review of key aspects of the training course.

C. Examination. A closed-book examination shall be given to all persons seeking accreditation who have completed an initial training course. A person seeking accreditation in a specific discipline shall pass the examination for that discipline prior to receiving a training certificate. For example, a person seeking accreditation as an inspector must pass the inspector's accreditation examination given by the training provider. Each examination shall adequately cover the topics included in the training course for that discipline. Persons who pass and fulfill other associated requirements will receive a certificate indicating that they are trained in a specific discipline. The following are the requirements for examinations in each area:

1. inspectors:

a. 50 multiple choice questions;

b. passing score—70 percent;

2. management planners:

a. 50 multiple choice questions;

b. passing score—70 percent;

3. abatement project designers:

a. 100 multiple choice questions;

b. passing score—70 percent;

4. asbestos abatement contractors and supervisors:

a. 100 multiple choice questions;

b. passing score—70 percent;

5. asbestos abatement workers:

a. 50 multiple choice questions;

b. passing score—70 percent.

D. Refresher Training Courses. The refresher course shall be specific to each discipline. Refresher courses shall be conducted as separate and distinct courses and not combined with any other training during the period of the refresher course.

1. For all disciplines except inspectors, a one-day annual refresher training course is required for reaccreditation.

2. Refresher courses for inspectors shall be a half-day length.

3. Management planners shall attend the inspector refresher course, plus an additional half-day on management planning.

4. For each discipline, the refresher course shall review and discuss changes in federal and state regulations, developments in state-of-the-art procedures, and a review of key aspects of the initial training courses.

5. After completing the annual refresher course, persons shall have their training extended an additional year. If a refresher course is not completed within two years of the last course completion date, the initial training course has to be retaken for reaccreditation.

E. Qualifications. In addition to training and an examination, inspectors, management planners, and abatement project designers shall meet the requirements listed below.

1. Inspectors. Qualifications—possess a high school diploma or GED.

2. Management Planners. Qualifications:

a. a certification, registration, or license to practice as an architect, professional engineer, or certified industrial hygienist;

b. bachelor's degree in a related scientific field; or

c. a bachelor’s degree and five years’ experience related to assessments and abatement projects in schools and state buildings as an accredited asbestos inspector.

3. Abatement Project Designer. Qualifications:

a. a certification, registration or license to practice as an architect, professional engineer, or certified industrial hygienist.

F. Accreditation of Agents

1. Accreditation is required for:

a. persons who inspect for the presence of asbestos in facilities regulated under LAC 33:III.Chapters 27 and 51, including but not limited to schools and/or state buildings;

b. persons who develop management plans for schools and/or state buildings, or those buildings used or leased by the state;

c. persons who design or carry out response actions for facilities regulated under LAC 33:III.Chapters 27 and 51, including but not limited to schools and/or state buildings involving RACM (other than SSSD);

d. persons contracted to perform air monitoring in facilities regulated under LAC 33:III.Chapters 27 and 51, including but not limited to schools and state buildings;

e. persons contracted to strip, remove, or otherwise handle or disturb RACM in facilities regulated under LAC 33:III.Chapters 27 and 51, including but not limited to schools or state buildings.

2. Application for Accreditation. The applicant for accreditation shall submit the following items:

a. the latest version of a completed and legible asbestos accreditation affidavit, Form AAC-1 (which may be obtained from the Office of Environmental Services or through the department's website) that contains:

i. the applicant’s name, address, telephone number, fax number, and email address;

ii. the applicant’s driver’s license or state identification number and the issuing state;

iii. the name, address, telephone number, fax number, and email address of the applicant's employer;

iv. an identification of the disciplines in which accreditation is sought;

v. Form AAC-1 statement of regulation possession, knowledge and enforceability;

vi. the applicant’s previous agency interest number (AI #), if applicable; and

vii. the applicant’s signature and the date of application;

b. a copy of the current class training certificate. First time applicants shall also submit copies of initial training and all subsequent refresher (update) certificates;

i. the training course(s) shall have at least contingent approval from EPA or be approved by a state authorized by the EPA to approve training courses;

ii. applicants seeking accreditation from Louisiana that received current training from providers recognized by EPA or an EPA-authorized state not recognized by Louisiana shall also submit proof of a current two-hour training course in current Louisiana regulations from a Louisiana RATP (reciprocity);

c. applications for inspector, management planner, and project designer shall include, where applicable:

i. a copy of a high school diploma, general educational development (GED) certificate or documentation of the highest level of education achieved (including as necessary, a bachelor’s degree in a related field);

ii. a copy of proof of certification registration or license to practice as an architect, certified industrial hygienist, or a professional engineer;

d. applicable fees as noted in LAC 33:III.223;

e. a 1" x 1 1/4" photograph of the applicant's face (front view) labeled with their name.

3. The completed application with applicable fees (LAC 33:III.223) shall be sent to the Office of Environmental Services.

4. Persons shall be considered accredited upon receipt of a certificate of accreditation or identification card issued by the department.

5. Approved Applications

a. Accreditation numbers shall be issued to all approved agents.

b. A qualified individual seeking accreditation shall be issued accreditation certificates, which expire one year after the last day of his or her most recent training course.

6. Renewal of Accreditation

a. To renew accreditation, all persons shall submit an application in accordance with the requirements of Paragraph F.2 of this Appendix.

b. A qualified individual shall maintain continuous accreditation provided the individual submits the required documents at least 30 days prior to his or her expiration/renewal date.

i. If an individual seeking reaccreditation has received refresher training within 90 days prior to his or her existing expiration/renewal date, his or her accreditation shall be extended for one year from the existing expiration/renewal date.

ii. If an individual seeking reaccreditation has received refresher training earlier than 90 days prior to his or her existing expiration/renewal date, his or her new expiration/renewal date will be one year after the last day of his or her most current training.

c. If a qualified individual does not submit an application for renewal within the time provided in Subparagraph F.6.b of this Appendix, his or her accreditation

will lapse at the expiration of the term of the accreditation. A qualified individual may be reaccredited upon an application for renewal in accordance with Subparagraph F.6.a of this Appendix. The accreditation expiration/renewal date will be one year after the last day of his or her most current training, provided the applicant has received refresher training within two years of the last course completion date. If a refresher is not taken within two years of the last course completion date, the initial training course shall be required for reaccreditation in accordance with Paragraph D.5 of this Appendix.

7. Agents who are supervisor accredited are responsible for ensuring that maintenance personnel in schools and state buildings are properly trained as defined in LAC 33:III.2721 and that workers trained to meet LAC 33:III.2739.B.3 are accredited.

8. Revocation of Accreditation. Accredited agents may have accreditation revoked for:

a. failure to comply with or direct others to comply with LAC 33:III.Chapters 27 and 51, and other applicable federal, state, and local regulations;

b. failure to notify the Office of Environmental Services of changes in status;

c. failure to operate safely and/or protect the environment;

d. failure to allow a department representative to inspect and review sites and documentation;

e. failure to submit valid and accurate accreditation application documents and/or training documents;

f. performing work requiring accreditation at a job site without evidence of required accreditation which shall include, but not be limited to, current DEQ issued identification cards or accreditation certificates being available for inspection by the administrative authority at the worksite;

g. permitting the duplication or use of one's own accreditation certificate by another;

h. performing work for which accreditation has not been received; and

i. obtaining training from a training provider that does not have approval to offer training for the particular discipline from either EPA or from a state authorized by EPA that has an accreditation plan at least as stringent as the EPA model accreditation plan (MAP).

9. Revocation of accreditation shall be effective for no less than one year.

10. Prohibitions

a. The alteration or possession of altered certificates is prohibited.

b. The submission of any false statement, representation, or certification in any form, application, report, plan, or any other document filed or required to be submitted to/or maintained by the department is prohibited.

c. A student shall not participate both as a student and as a principal trainer in their own asbestos training courses for certification, and shall not sign their own training certificate.

G. RATP and Principal Trainers. RATPs and principal trainers shall be recognized by the department prior to conducting training of approved courses in Louisiana. Principal trainers who conduct asbestos courses in Louisiana shall do so in association with a RATP recognized by the department.

1. Asbestos training providers requesting recognition shall provide the following:

a. the latest version of the asbestos training provider recognition application, Form AAC-3, (which may be obtained from the Office of Environmental Services or through the department's website) requesting approval to train asbestos agents;

b. the latest version of the asbestos trainer recognition application, Form AAC-4, with resumes for principal trainers;

c. two or more principal trainers shall be listed for each initial training course; and

d. appropriate fees (LAC 33:III.223).

2. The asbestos training provider recognition application shall, at a minimum, include the following:

a. the name, address, telephone number, and email address of the training provider’s primary offices and the representative serving as the contact for the provider for the scheduling of training courses and for other training activities;

b. the signature of a responsible official for the training provider; and

c. information on the specific courses including:

i. course discipline (e.g., worker, contractor/supervisor, inspector, etc.);

ii. course type (i.e., initial or refresher);

iii. the language in which the course will be taught;

iv. all addresses of the physical locations where courses will be held during the year;

v. a description of the facility where the classes will be held (e.g., warehouse, industrial building, etc.);

vi. copies of the latest version of training materials including texts, syllabi, and outlines, but not including exams:

(a). if the latest version of training material was submitted with the last application, a note to that effect is sufficient;

(b). the training material shall be provided in the language it will be taught; and

(c). the department reserves the right to request a copy of the training material at any time;

vii. a detailed statement about the development of the examination used in the course. The statement shall include, but is not limited to:

(a). the number of questions for each exam;

(b). the topics covered in the exam; and

(c). the number of questions specifically relating to Louisiana regulations; and

viii. a detailed statement clearly indicating how the course meets the requirements of this Appendix for:

(a). length of training days;

(b). amount and type of hands-on training;

(c). examination (e.g., length, format, passing score);

(d). topics covered in the course;

(e). a copy of an example training completion certificate; and

(f). a copy of the EPA letter recognizing approval of the training provider's course or approval from a state authorized by EPA to approve training courses, if applicable.

3. Trainers seeking recognition shall submit:

a. the latest version of the asbestos trainer recognition form, AAC-4;

b. appropriate fees (LAC 33:III.223);

c. a resume indicating proof of experience in the subjects they will teach which includes the following experience requirements:

i. a degree or training certification in the subject being taught; and

ii. experience in the field for two or more years;

d. a person experienced as a supervisor/contractor is also considered experienced as a worker.

4. Training Providers and Trainers Recognition

a. Training providers and trainers shall be considered recognized upon written confirmation from the department or upon receipt of a certificate of recognition from the department.

b. Training recognition numbers will be issued to all recognized training providers and principal trainers. The recognition is effective for one year from the date issued.

c. Recognition of training providers and trainers may be renewed annually by submitting the latest revision of Forms AAC-3 and AAC-4 respectively along with all appropriate updates to the information required for the application and the applicable fees to the department.

5. Applications for training provider and trainer recognition may be denied for:

a. incomplete applications;

b. inaccurate or falsified information;

c. incomplete supporting documentation;

d. failure to comply with applicable federal, state, and local regulations, which includes nonpayment of fees or a history of noncompliance with LAC 33:III. Chapters 27 and 51; and

e. at the discretion of the department based on past compliance history.

6. Training courses will be given contingent approval based upon the review of course materials and inclusion of those topics required under Subsection B of this Appendix when applicable. Full approval may be given upon completion of an audit of the courses.

7. Recognition for a training course may be denied if the training provider fails to:

a. comply with the course requirements outlined in LAC 33:III.274.B; and

b. comply with the notification requirements outlined in LAC 33:III.2741.B.

8. Compliance and Enforcement. A recognized training provider or recognized trainer may have their recognition withdrawn or revoked for one or more years according to one or more of the following criteria:

a. failure to issue certificates which includes the information required by these regulations;

b. failure to ensure that the training materials are applicable to the class taught, and are included in the latest material submitted to the department as part of the initial or renewal application;

c. failure to ensure that the training material includes the most current version of the DEQ forms, obtained from the department website;

d. failure to ensure that the Office of Environmental Services is informed of any change in status of the training organization, such as pending fines, notices of violation, changes in principal trainer status, etc;

e. failure to ensure that a timely notification of courses that will be taught, including where, when, and who will conduct the class, or that a cancellation of classes is received by the Office of Environmental Services before the class should have commenced;

f. failure to ensure that an accurate, timely, and complete roster is received by the Office of Environmental Services;

g. misrepresentation of the extent of a training course's approval by a state or EPA;

h. failure to submit required information or notifications in a timely manner;

i. failure to maintain requisite records;

j. falsification of recognition or accreditation records, trainer qualifications, or other information;

k. falsification of any information regarding the principal trainer and course location on the notification or roster;

l. misrepresenting the contents of a training course to the department and/or the student population;

m. making false or misleading statements to the department, EPA, or another state in its application for recognition;

n. failure to adhere to the training standards and requirements of the agent accreditation plan and the EPA MAP; and/or

o. failure to meet any of the requirements of this Appendix.

9. Three violations of any of the requirements of this Subsection will result in the training provider or principal trainer permanently losing their recognition to teach courses in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended LR 16:397 (May 1990), LR 16:1057 (December 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2458 (November 2000), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), LR 30:2803 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2444 (October 2005), LR 33:2090 (October 2007), amended by the Office of the Secretary, Legal Division, LR 40:510 (March 2014).

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter M. Asbestos

§5151. Emission Standard for Asbestos

A. Applicability. The provisions of this Subchapter are applicable to those sources specified in Subsections C-O of this Section.

B. Definitions. Terms used in this Section are defined in LAC 33:III.111 of these regulations with the exception of those terms specifically defined in LAC 33:III.5103 or below, as follows.

Accessible—asbestos-containing material that is subject to disturbance by facility occupants, custodial or maintenance personnel in the course of their normal activities. *Accessible* also refers to asbestos-containing material that is available for examination and sampling purposes prior to a demolition or renovation.

* * *

Adequately Wet—sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing materials, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being *adequately wet*. Once contained, water droplets formed inside disposal containers will be sufficient evidence of being *adequately wet*. Lack of water droplets means it is not *adequately wet*.

Asbestos—the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, and actinolite-tremolite.

Asbestos-Containing Material (ACM)—any material or product that contains more than 1 percent asbestos as determined by using the method specified in appendix E, subpart E, 40 CFR, Part 763, section 1, polarized light microscopy.

Asbestos-Contaminated Debris (ACD)—demolition or renovation debris that contains *regulated asbestos-containing material* as defined in this Subsection.

Asbestos-Contaminated Debris Activity (ACDA)—the handling and/or disposal of asbestos-contaminated debris as RACM.

* * *

Asbestos-Containing Waste Material (ACWM)—mill tailings or any waste that contains commercial or previously commercial asbestos and is generated by a source subject to the provisions of this Subchapter. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos, including *ACD,* and disposable equipment and clothing.

* * *

Category I Nonfriable (ACM)—asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined by using the method specified in appendix E, subpart E, 40 CFR, 763, section 1, polarized light microscopy that when dry cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Category II Nonfriable ACM—any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined by using the method specified in appendix E, subpart E, 40 CFR, 763, section 1, polarized light microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

* * *

Demolition—the permanent wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

* * *

Enclosure—an airtight, impermeable, barrier placed around ACM during activities that disturb asbestos to prevent the release of asbestos fibers into the ambient air.

* * *

Facility—any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, and residential buildings having greater than four dwelling units); any ship; and any active or inactive waste disposal, or ACD site. Residential buildings that have four or fewer dwelling units are exempt from the provisions of this Subchapter, except those residential structures that are intentionally demolished or renovated as part of a commercial or public project, such as urban renewal or highway right-of-way projects and those that are intentionally burned. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this Subchapter is not excluded, regardless of its current use or function.

Facility Component—any part of a facility, including equipment, that is under the control of an owner or operator.

Fiber Release Episode—any uncontrolled or unintentional disturbance of ACM.

Friable Asbestos Material—any material containing more than 1 percent asbestos as determined by using the method specified in appendix E, subpart E, 40 CFR, 763, section 1, polarized light microscopy that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM, or assume the amount to be greater than 1 percent and treat the material as ACM.

* * *

Glove Bag—a sealed compartment with attached inner gloves used for the handling of ACM. Properly installed and used, *glove bags* provide a small work area enclosure typically used for small-scale asbestos stripping operations.

a. - c. …

d. Any deviation from single use of a *glove bag* requires prior written approval of the administrative authority. Additional information on *glove bag* installation, equipment and supplies, and work practices can be obtained from the Occupational Safety and Health Administration's (OSHA's) final Rule on occupational exposure to asbestos (29 CFR 1926.1101(g).

* * *

Inspection or *Inspect*—an examination of a facility or facility component to determine the presence or location, or to assess the condition of friable or nonfriable asbestos material, or suspected asbestos material, whether by visual or physical examination, or by collecting samples of such material. This term includes reinspections of assumed asbestos material and friable and nonfriable asbestos material which has been previously identified. The term does not include the following:

a. periodic surveillance of the type described in LAC 33:III.2721.B solely for the purpose of recording or reporting a change in the condition of known or assumed asbestos material;

b. inspections performed by employees or agents of federal, state, or local government solely for the purpose of determining compliance with applicable statutes or regulations; or

c. visual inspections of the type described in LAC 33:III.2717.J solely for the purpose of determining completion of response actions.

Installation—any building or structure or any group of buildings or structures at a single demolition or renovation site that part of a planned project that are under the control of the same owner or operator (or owner or operator under common control).

* * *

Nonfriable Asbestos-Containing Material—any material containing more than one percent asbestos as determined by the method specified in appendix E, subpart E, 40 CFR, 763, section 1, polarized light microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

* * *

Nonscheduled Operation—a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operation experience, but for which an exact date cannot be predicted. Diaphragm cell renewal is considered a nonscheduled operation.

Operations and Maintenance (O and M)—Repealed March 2014.

* * *

Owner or Operator of a Demolition, Renovation, Response Action or ACD Activity (owner/operator)—any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated, or an ACDA or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both, response action, or an ACDA.

* * *

Recognized Disposal Site—Repealed March 2014.

Recognized Asbestos Landfill (RAL)—a waste disposal site recognized by DEQ, Office of Environmental Services after receipt of an Asbestos Landfill Recognition Form (AAC-7). An in-state landfill shall comply with Subsection N of this Section and be permitted or authorized to accept ACWM. An out-of-state landfill shall be subject to 40 CFR Part 61.154 or another state's applicable regulation that EPA has determined to be at least as stringent as § 61.154.

Regulated Asbestos-Containing Material (RACM)—

a. friable asbestos material;

b. Category I and II nonfriable ACM that has become friable such as asbestos-cement material that is not removed from a facility prior to demolition;

c. Category I and II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, ground, sanded, cut, abraded, or reduced to powder by the forces that have acted or are expected to act on the material in the course of demolition or renovation operations; or

d. resilient floor covering or the asbestos-containing mastic used to attach it to the floor surface that is scraped, sanded, abraded, bead blasted, cut, ground, crumbled, pulverized, or reduced to powder by any means, either hand or mechanical equipment. This definition does not include resilient floor covering removed by using dry ice, heat, wet methods, and chemicals where the tiles or sheeting are removed intact (minor tears or minor breakage is acceptable where, for all intents and purposes, the flooring is considered whole) or asbestos-containing mastic that has been removed by chemical or other means that results in the asbestos fibers in ACWM being bound within a macro substrate and cannot reasonably become airborne unless further forces are applied.

Remove—to take out RACM or facility components that contain or are covered with RACM.

Renovation—altering a facility or one or more facility components in any way, including the washing, stripping, or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

* * *

Resilient Floor Covering—asbestos-containing floor tiles, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than 1 percent asbestos as determined by using polarized light microscopy according to the method specified in appendix E, subpart E, 40 CFR, 763, section 1, polarized light microscopy.

Response Action—a method, including actions during demolition or renovation that provides for removal, encapsulation, enclosure, repair, and operations and maintenance activities, that protects human health and the environment from RACM.

* * *

Small-Scale, Short-Duration (SSSD) Activities—Repealed March 2014.

State Building—Repealed March 2014.

* * *

Urban Renewal—demolitions or renovations of blighted or condemned properties authorized or conducted by government entities (city, parish, or state) as part of commercial or public projects.

* * *

Waste Shipment Record—the shipping document, asbestos disposal verification form, (ADVF), required to be originated and signed by the waste generator or the owner or operator of a demolition, renovation, response action or ACD activity, used to track and substantiate the disposition of asbestos-containing waste material to a RAL.

Wet Methods—for resilient floor coverings, wetting sufficiently to cause the coverings to break loose or lift from the substrate in whole pieces.

Work Area Controls—work practices and engineering procedures that shall be used when removing RACM, as outlined in OSHA 29 CFR 1926.1101.g.

* * *

C. - E.8. …

F. Emission Standard for Demolition, Renovation, Asbestos-Contaminated Debris Activities, Response Actions and Major Fiber Release Episodes

1. Applicability. To determine which requirements of Paragraphs F.1, 2 and 3 of this Section apply to the owner or operator of a demolition, or renovation, response action or ACD activity and prior to the commencement of the activity, the owner/operator shall either assume that R*ACM*, as defined in Subsection B of this Section, is present or an accredited inspector shall thoroughly inspect the affected facility or part of the facility where the activity will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. All homogeneous areas that potentially contain asbestos shall either be assumed to be ACM or samples shall be collected and submitted for analysis. The requirements of Paragraphs F.2 and 3 of this Section apply to each owner or operator of a demolition, renovation, response action or ACD activity as defined in Subsection B of this Section, as follows.

a. In a facility being demolished, all the requirements of Subparagraphs F.2.a, b, d, and f, Clauses F.2.c.i and v, and Paragraph F.3 of this Section apply, except when the facility is being demolished under an order by a state or local government agency, issued because the facility is structurally unsound and in danger of imminent collapse as provided in Subparagraph F.1.c of this Section, if the combined the amount of RACM is:

i. at least 60 linear feet on pipes;

ii. at least 64 square feet on other facility components; or

iii. at least 27 cubic feet off facility components where the length or area could not be measured previously.

b. In a facility being demolished, only the notification requirements of Subparagraphs F.2.a and b and Clauses F.2.c.ii and v, d.i-vii, ix, xiv and xvii of this Section apply, if Category I or II Nonfriable ACM present in the facility will remain in good condition, would not be rendered RACM as a result of the demolition activity (any Category I or II Nonfriable ACM that may be rendered RACM as a result of the demolition activity, such as asbestos-cement products, must be counted toward the thresholds below), and the combined amount of RACM (including Category I or II Nonfriable ACM that may be converted to RACM) is:

i. less than 60 linear feet on pipes;

ii. less than 64 square feet on other facility components; or

iii. less than 27 cubic feet off facility components where the length or area could not be measured previously.

c. If the facility is being demolished under an order of a state or local government agency, issued because the facility is structurally unsound and in danger of imminent collapse only the requirements of Subparagraphs F.2.a and b, Clause F.2.c.iii, Subparagraph F.2.d (except Clause F.2.d.viii), Subparagraph F.2.f, and Paragraph F.3 (except Subparagraph F.3.a) of this Section apply.

d. If a facility is demolished or renovated prior to an inspection or notification, then all debris at the site is categorized as *asbestos-contaminated debris (ACD)*, as defined in Subsection B of this Section unless the owner/operator affirmatively demonstrates there is no ACM in the debris. The owner/operator shall follow the procedures and requirements as provided in Subparagraphs F.2.a, b, d, and f and Clauses F.2.c.i and v of this Section, and shall handle and dispose of the debris in accordance with Paragraph F.3 and Subsection J of this Section.

e. In a facility being renovated, including a response action and any individual nonscheduled renovation operation, all the requirements of Paragraphs F.2 and 3 of this Section apply if:

i. the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is:

(a). at least 60 linear feet on pipes;

(b). at least 64 square feet on other facility components; or

(c). at least 27 cubic feet off facility components where the length or area could not be measured previously.

ii. To determine whether Subclause F.1.e.i.(a), (b), or (c) of this Section applies to planned renovation operations involving individual nonscheduled operations, predict the combined additive amount of RACM to be removed, stripped dislodged, cut, drilled, or similarly disturbed during a calendar year of January 1 through December 31 based on past operating experience.

iii. To determine whether Subclause F.1.e.i.(a), (b), or (c) of this Section applies to emergency renovation operations, including those associated with major fiber release episodes and response actions, estimate the combined amount of RACM to be removed, stripped, dislodged, cut, drilled, or similarly disturbed as a result of the sudden, unexpected event that necessitated the renovation.

iv. If Clause F.1.e.i.of this Section is not applicable to the renovation activity, it is exempt from any further requirements of this Section (except to conduct the inspection or assume material is RACM pursuant to Paragraph F.1 of this Section).

f. Owners or operators of demolition, renovation, response actions and ACD operations are exempt from the requirements of LAC 33:III.5105.A, 5109.E, 5111.A and 5113.A.

g. Residential structures including those with four and fewer dwelling units that are demolished or renovated as part of a commercial or public project, such as urban renewal or highway right-of-way projects, are considered installations and are subject to the provisions of this Subchapter.

h. A person contracted to perform a demolition, renovation, or response action which disturbs RACM or conducts ACDA shall comply with any applicable requirements of the Louisiana State Licensing Board for Contractors to perform asbestos abatement. The supplying of regulated personnel on an hourly, monthly, or other time basis to another company is considered contracting (i.e., abatement workers, supervisors, air monitoring, or project monitoring personnel).

i. If the activities are emergency demolition operations, all the requirements of Subparagraphs F.2.a, b, d, e, and f, and Paragraph F.3 of this Section apply.

j. When greater than 64 square feet of either *resilient floor covering*, as defined in Subsection B of this Section, is removed by using dry ice, heat, wet methods, and chemicals where the tiles or sheeting are removed intact (minor tears or minor breakage is acceptable where, for all intents and purposes, the flooring is considered whole) or asbestos-containing mastic removed by chemical or other means that results in the asbestos fibers in the ACWM being bound within a macro substrate and cannot reasonably become airborne unless further forces are applied, Subparagraphs F.2.a and b, and Clauses F.2.c.vi, d.i-ix, and xv-xvii of this Section apply;

k. Paragraphs F.2 and 3 of this Section (except Subparagraph F.3.a of this Section) apply to any ACDA.

l. An asbestos renovation or demolition project, or ACDA shall not begin until an Asbestos Notification of Renovation and Demolition Form AAC-2 is received by the department, except in the case of an emergency.

2. Notification Requirements. Each owner or operator of a demolition, renovation, response action or ACD activity to which this Subsection applies shall:

a. provide the Office of Environmental Services with typed notice of intention to demolish, renovate, conduct a response action, or an ACDA by completing and submitting the latest version of Notification of Demolition and Renovation and Asbestos-Contaminated Debris Activity Form, AAC-2, and fees, if applicable. This form is available from the Office of Environmental Services or through the department's website. Delivery of the notice by U.S. Postal Service, commercial delivery service, hand delivery, or email is acceptable. The use of a prior version of the AAC-2 Form is acceptable unless the department has previously provided the owner/operator with notice of or a copy of the current version, or the owner/operator is aware of the latest version.

i. After review of the notification, if the application is incomplete, inaccurate, or the fee is not submitted, a response shall be faxed or emailed to the company indicating the application is incomplete, and processing will be discontinued until all applicable information is completed and submitted to DEQ.

ii. Any unauthorized renovation, demolition, or ACDA project, including those not processed due to incompleteness or inaccurate information on Form AAC-2 is a violation of this Section.

b. Update by highlighting or circling revisions on, a revised Form AAC-2, as necessary, (i.e., when the amount of asbestos affected changes by plus or minus 20 percent) and indicate revised total amount of the entire project in cubic yards, or if there is a change in transporter, contractor, or designated landfill.

c. Postmark or deliver the notice as follows:

i. at least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge, or similarly disturb asbestos material), if the activity is a demolition or renovation of a facility where RACM is present as described in Subparagraphs F.1.a and e (except Clauses F.1.e.ii [nonscheduled operations] and iii [emergency operations]) of this Section;

ii. at least five working days before demolition begins, if a facility is being demolished where RACM is below threshold levels as provided in Subparagraph F.1.b of this Section;

iii. as early as possible before, but not later than the following working day, when the facility is being demolished under an order issued by a state or local government agency because the facility is structurally unsound and in danger of imminent collapse, according to Subparagraph F.1.c of this Section, or if the operation is an emergency renovation described in Clause F.1.e.iii of this Section;

iv. at least 10 working days before the end of the calendar year preceding the year for which notice is being given for renovations described in Clause F.1.e.ii of this Section;

v. for activity covered by Subsection F (except Clauses F.1.e.ii and iii), that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the DEQ as follows:

(a). when activity covered by Subsection F will begin after the date contained in the notice (AAC-2 Form):

(i). notify the DEQ regional office responsible for inspecting the project site of the new start date by fax or email as soon as possible before the original start date; and

(ii). provide the Office of Environmental Services with a revised AAC-2 Form of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice by U.S. Postal Service, commercial delivery service, fax, email, or hand delivery is acceptable;

(b). when the activity covered by Subsection F will begin on a date earlier than the original start date, submit a revised AAC-2 Form with the new start date. The revised notice shall meet the requirements of Subparagraph F.2.c; and

(c). In no event shall an operation covered by this Subsection begin on a date other than the date contained in the written notice (AAC-2) of the new start date.

vi. Notify the DEQ regional office by fax or email three days prior to the start of the removal of *resilient floor covering*, as defined in Subsection B of this Section, by using dry ice, heat, wet methods, and chemicals where the tiles or sheeting are removed intact or asbestos-containing mastic removed by chemical or other means that results in the asbestos fibers in the ACWM being bound within a macro substrate and cannot reasonably become airborne unless forces are applied when required by Subparagraph F.1.j.

d. In the notice include:

i. an indication of whether the notice is the original, additional, emergency, revised (including canceled), or nonscheduled maintenance operation (annual) notification, the number of ADVFs requested, and/or note if the structure is being demolished under an order of a state or local government agency;

ii. name, address, telephone number, and email address of a contact person of both the facility owner and operator and the asbestos removal contractor owner or operator, with the current DEQ identification number assigned by the administrative authority;

iii. type of operation: demolition, renovation, response action, or ACDA;

iv. a description of the facility or affected part of the facility including the size (square feet, linear feet, and

number of floors), age, and present and prior use of the facility;

v. the procedure, including analytical methods, employed to detect the presence of RACM and Category I and Category II nonfriable ACM, or check the "Known or Assumed" box if assumed to be asbestos and no analytical data is provided;

vi. estimate of the approximate amount of RACM to be removed from the facility in terms of length of pipe in linear feet, surface area in square feet on other facility components, or volume in cubic feet if off the facility components. Also, estimate the approximate amount of Category I and Category II nonfriable ACM in the affected part of the facility that will not be removed before the demolition. In the case of asbestos-contaminated debris pile(s), estimate the approximate total volume of the debris to be disposed. Total volume of all RACM and ACD shall be documented in cubic yards;

vii. location and street address (including building number or name and floor or room number, if appropriate), city, parish, and state, of the facility being demolished, renovated, or for ACDA;

viii. scheduled starting and completion dates of asbestos removal work (or any other activity, such as site preparation that would break up, dislodge, or similarly disturb asbestos material) in a demolition, renovation, or ACDA; planned renovation operations involving individual nonscheduled operations shall include the beginning and ending dates of the annual report period as described in Clause F.1.e.ii of this Section;

ix. scheduled starting and completion dates of demolition, renovation, response action, or ACDA;

x. description of planned demolition, renovation work, response action, or ACDA to be performed and method(s) to be employed, including demolition or renovation techniques to be used and description of affected facility components;

xi. description of work practices and engineering controls to be used to comply with the requirements of this Section, including asbestos removal and waste handling emission control procedures;

xii. name, telephone number, mailing address, and physical location of the RAL where the asbestos-containing waste material will be deposited;

xiii. a signed certification that personnel performing the demolition or renovation activity, response action, or ACDA are trained and accredited as required by Subparagraph F.3.h of this Section when RACM is present.;

xiv. for demolitions where RACM is below threshold levels as provided in Subsection F.1.b of this Section, a signed certification stating that RACM is below threshold levels;

xv. for facilities demolished under an order of a state or local government agency, issued because the facility is structurally unsound and in danger of imminent collapse, the name, title, and authority of the state or local government representative who has ordered the demolition, the date that the order was issued, and the date on which the demolition was ordered to begin. A copy of the order shall be attached to the notification;

xvi. for emergency renovations, including emergency renovation operations of an estimated amount of RACM to be removed or stripped as a result of a sudden, unexpected event that necessitated the renovation, the date and hour that the emergency occurred, a description of the sudden, unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment damage or an unreasonable financial burden;

xvii. description of procedures to be followed in the event that unexpected RACM is found or Category II nonfriable ACM becomes RACM;

xviii. name, mailing address, telephone number, and DEQ identification number of the solid waste transporter(s) carrying the waste to the RAL and offsite/temporary storage area; and

xix. current ADVF numbers if they have been issued for the project;

e. for emergencies, provide notification by phone, fax, email, or voice mail to the Office of Environmental Services and DEQ regional office responsible for inspecting the project site as soon as possible, but in no case later than four hours after learning of the incident that required emergency response action, demolition or renovation operations:

i. the emergency notification shall include the following:

(a). the reason for the emergency;

(b). steps taken to minimize hazards to workers and the public; and

(c). estimated quantities of friable and nonfriable ACM to be handled;

ii. within five working days after the emergency notification is made, a typed AAC-2 form together with required fees as specified in Subparagraphs F.2.a and d of this Section shall be submitted to the Office of Environmental Services;

f. use the following procedures in order that the department can trace disposal of ACWM:

i. each properly completed and submitted demolition, renovation, response action, or ACDA notification received by the department that is associated with a project that generates asbestos-containing waste material shall result in issuance of an ADVF with a specific ADVF project number to the owner/operator. The ADVF, or a copy, shall be kept at the facility, except as provided in Subparagraph F.1.l of this Section, and available for inspection by the department during demolition, renovation,

response action, and ACDA. Alterations of the ADVF shall invalidate the ADVF.

ii. the owner or operator of a demolition, renovation, response action, or ACDA shall complete and sign their portion of the valid ADVF, including the quantity shipped in cubic yards, the date the project is scheduled to be completed (or has been completed as applicable), printed name, signed and dated certification, and relinquish the valid ADVF to the waste transporter prior to the off-site shipment;

iii. the waste transporter shall transport the asbestos-containing waste material with the ADVF to a RAL and complete name, dates received and delivered, sign the transporter portion, then relinquish the ADVF to the RAL site owner or operator at the time the asbestos waste is delivered for burial;

iv. upon receipt from the transporter, the RAL owner or operator shall verify the ADVF, enter the date received, indicate the quantity received in cubic yards, print and sign the disposal facility portion of the ADVF, and mail the original ADVF to the Office of Environmental Services within 30 working days. A copy of the valid ADVF is to be returned to the waste generator within 30 working days;

v. the ADVF shall expire 90 days from the date of issue. ADVFs for nonscheduled operations shall expire on December 31 of the year for which they are issued;

vi. the ADVF shall be completed in its entirety by the applicable person as indicated in the particular section of the form. Information entered onto the form must be legible;

vii. acceptance of an invalid ADVF by a contractor, waste transporter, or disposal site owner or operator is a violation of this Subchapter; and

viii. all ADVFs that are not used shall be returned by the owner/operator to the Office of Environmental Services within 30 working days after expiration.

3. Procedures for Asbestos Emission Control. Each owner or operator of a demolition, renovation, response action, or ACD activity to whom this Section applies, according to Paragraph F.1 of this Section, shall maintain the ADVF or a copy on-site, except for the provisions in Subparagraph F.1.l of this Section and comply with the following procedures.

a. …

i. it is Category I nonfriable ACM that is not in poor condition and has a low probability that it will become RACM;

ii. …

iii. it was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed RACM and any ACD shall be treated as ACWM and adequately wet at all times until disposed of; and

(a). the RACM and any ACD shall be adequately wet, and contained in leak-tight, clear transparent wrapping; and

(b). the leak-tight, clear transparent wrapping shall be sealed and labeled according to Clause J.1.a.iv of this Section during all loading and unloading operations, transportation, and during storage.

iv. it is Category II nonfriable ACM and the probability is low that the materials will become RACM.

b. - b.ii. …

c. When RACM is removed during a response action or stripped from a facility component while it remains in place in the facility, adequately wet the RACM prior to and during the response action or the stripping operation. The *work area controls* as defined in Subsection B of this Section shall be employed to prevent the release of ACM to the outside air, and the controlled work area shall, when feasible, be visible to inspectors outside the work area (i.e., transparent window which is easily accessible).

i. In renovation operations, wetting is not required only if:

c.i.(a). - d.(ii). ...

e. For large facility components such as reactor vessels, large tanks, and steam generators, but not beams (which shall be handled in accordance with Subparagraphs F.3.b, c, and d of this Section), the RACM is not required to be stripped if the following requirements are met:

i. the component is removed, transported, stored, disposed of, or reused without disturbing or damaging the RACM;

ii. the component is encased in a leak-tight, clear, transparent wrapping; and

iii. the leak-tight, clear, transparent wrapping is labeled according to Clause J.1.a.iv of this Section during all loading and unloading operations, transportation, and during storage.

f. - f.iii. …

iv. RACM contained in leak-tight, clear, transparent wrapping that has been removed in accordance with Subclause F.3.c.i.(a) of this Section need not be wetted provided written authorization from the administrative authority is maintained on site during this exception to the wetting requirements.

g. …

i. The owner/operator need not comply with Clause F.3.b.i of this Section and the wetting provisions of Subparagraph F.3.c of this Section, provided written authorization from the administrative authority is maintained on-site during this exception to the wetting requirements.

ii. - iii. …

h. Personnel and Accreditation

i. No demolition or renovation activity that disturbs RACM or ACDA shall be conducted at a facility regulated by this Subsection unless at least one asbestos abatement contractor/supervisor trained in accordance with Subsection P of this Section is physically present.

ii. All asbestos abatement workers who are performing demolition or renovation activity that disturbs RACM or ACDA shall be trained in accordance with Subsection P of this Section and supervised by a trained asbestos contractor/supervisor

iii. Contractor/supervisors and workers employed by a contractor licensed by the Louisiana State Licensing Board and performing demolition or renovation activity that disturbs RACM or ACDA shall be accredited in accordance with Subsection P of this Section.

iv. Evidence of the required training or accreditation shall be made available for inspection by the administrative authority at the demolition or renovation site. Evidence of required training or accreditation shall include, but not be limited to, the appropriate training certificates, DEQ issued identification card or accreditation certificates. For contracted abatement personnel, evidence of accreditation shall be made available for inspection by the administrative authority at the demolition, renovation, response action, or ACDA site.

i. …

j. If a facility or residential structure is demolished by intentional burning, including activities related to the training of fire personnel, testing firefighting materials, or equipment, all RACM including Category I and Category II nonfriable ACM shall be removed in accordance with this Section before burning.

k. There shall be no discharge of asbestos contaminated liquids from the demolition, renovation, response action, or ACDA which are contaminated with asbestos material if it is reasonably anticipated that such asbestos may become airborne.

l. Prior to completion of a renovation, demolition, ACDA, or response action involving RACM, the work area (described area where the renovation, demolition, response action, or ACDA occurs) shall be cleaned by:

i. - ii. …

m. Within 24 hours after the demolition, renovation, response action, or ACDA has ended and the work area has been cleaned in accordance with Subparagraph F.3.l of this Section, notify by fax or email the DEQ regional office responsible for inspecting the project site of the conclusion of the cleanup. Only after the DEQ has been notified of project completion will the abatement activity be complete.

n. After completion of a demolition activity, where no load-supporting structural member of a facility is left, no asbestos-containing floor covering or asbestos-containing mastic shall remain on surfaces where the material has the potential to become RACM.

G. Standard for Spraying. The owner or operator of an operation in which asbestos-containing materials are spray applied shall comply with the following requirements.

1. For spray-on application on buildings, structures, pipes, and conduits, do not use material containing more than one percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR, 763, section 1, polarized light microscopy, except as provided in Paragraph G.3 of this Section.

2. For spray-on application of materials that contain more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR, 763, section 1, polarized light microscopy, on equipment and machinery, except as provided in Paragraph G.3 of this Section.

G.2.a - I.4. …

a. mark vehicles used to transport ACWM during the loading and unloading of waste so that the signs are visible. The markings shall:

i. be displayed in such a manner and location that a person can easily read the legend and;

ii. conform to the requirements for signs specified in 29 CFR 1910.145(d); and

iii. display warning signs and labels with letter sizes and styles of sufficient size and contrast so as to be readily visible and legible as specified in 29 CFR 1926.1101(k)(8)(i-vi).

b. for off-site disposal, provide a copy of the waste shipment record (ADVF) described in Subparagraph I.5.a of this Section, to the disposal site owner or operator at the same time as the ACWM arrives at the disposal site:

5. for all ACWM transported off the facility site:

a. the owner or operator shall maintain a copy of the asbestos waste shipment record, using an ADVF form, which includes the following information:

i. the name, DEQ identification number, and physical address of the waste generator, and project location;

ii. the quantity of the ACWM shipped in cubic yards;

iii. the name and telephone number of the recognized asbestos disposal facility owner or operator;

iv. the name and physical site location of the disposal facility;

v. the date the waste was transported from the project location;

vi. the names, DEQ identification number, and telephone number of the transporter(s); and

5.vii - 6. …

J. Standard for Waste Disposal for Manufacturing, Fabricating, Demolition, Renovation, Major Fiber Release Episodes, ACDA, Response Actions, and Spraying

Operations. Each owner or operator of any source covered under the provisions of Subsection E, F, or G of this Section shall comply with the following provisions.

1. Discharge no visible emissions to the outside air during collection, processing (including incineration), packaging, or transporting or deposition of any asbestos-containing waste material generated by the source, and use one of the emission control and waste treatment methods specified in Subparagraphs J.1.a-d of this Section. The ACWM shall be maintained as intact as practicable. The ACWM shall not be needlessly fragmented or crushed.

a. - a.ii. …

iii. after wetting, seal all asbestos-containing waste material in leak-tight, clear, transparent containers (i.e., bags) while wet; or, for materials that will not fit into containers without additional breaking, put materials into leak-tight, clear, transparent wrapping, ensuring that the ACWM is securely wrapped and sealed. If utilizing plastic drums to contain ACM, the transparent wrapping requirement is not necessary. If drums are used to store bagged material, the bags must be transparent;

iv. label the containers or wrapped materials specified in this Subsection using warning labels specified by the Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) asbestos construction standard, 29 CFR 1926.1101(k)(8)(i) – (vi). The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible;

v. …

vi. store all wrapped and contained asbestos-containing waste material in a labeled, secured area away from the public, where it will not be subject to disturbance or tampering until it can be transported to a recognized asbestos landfill (RAL). Disposal of ACWM shall comply with any other applicable requirements, including but not limited to appropriate hazardous waste (LAC 33:Part V) and solid waste (LAC 33:Part VII) regulations. In particular:

(a). RACM shall not be disposed in a Louisiana Type III (construction & demolition) landfill or processed in a composting facility.

(b). Louisiana landfills accepting ACWM shall be properly permitted or authorized under appropriate regulations and recognized pursuant to this section to accept the waste.

(c). Disposal of ACWM in an out of state landfill shall be in a RAL, as defined in this section and authorized by that state's authority to accept ACWM.

[Note: Although landfills are permitted to accept asbestos wastes, a landfill should be contacted prior to transport to the solid waste facility to verify that the ACWM will be accepted and whether the facility has other requirements prior to disposal at that location.]

b. - b.ii. …

c. For facilities demolished where the RACM is not removed prior to demolition according to Clauses F.3.a.i, ii, iii, and iv of this Section or for facilities demolished according to Subparagraph F.1.c or d of this Section, avoid crushing the ACM and adequately wet asbestos-containing waste material at all times prior to, during, and after demolition and keep wet during handling, storage, and loading for transport to a disposal site. The ACWM shall be maintained as intact as practicable. The ACWM shall not be needlessly fragmented or crushed. Asbestos-containing waste materials covered by this Subparagraph shall be sealed in leak-tight containers or leak-tight, clear transparent wrapping then transported and disposed of at a solid waste Type I or Type II or hazardous waste landfill authorized to accept RACM.

d. Use an alternative emission control and waste treatment method that has received prior written approval by the administrative authority according to the procedure described in Subparagraph I.3.b of this Section.

e. As applied to demolition and renovation, the requirements of Paragraph J.1 of this Section do not apply to Category I and Category II nonfriable ACM waste that did not become RACM prior to or during the course of removal, storage, transportation, and disposal.

2. All asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at:

a. …

b. an approved site that converts RACM and ACWM into nonasbestos (asbestos-free) material according to the provisions of Subsection L of this Section;

c. the requirements of Paragraph J.2 of this Section do not apply to Category I nonfriable ACM that is not RACM.

3. Mark vehicles used to transport ACWM during the storage, loading, and unloading of waste so that the signs are visible. The markings shall conform to the requirements in Clauses I.4.a.i, ii, and iii of this Section.

4. For all ACWM transported off the facility site:

a. the owner, operator, and transporter shall maintain waste shipment records, using an ADVF Form, and include the following information:

i. the name of the waste generator, DEQ identification number, physical address, and telephone number of the waste generator and project location;

ii. the name and address of the administrative authority responsible for administering the asbestos Louisiana Emission Standards for Hazardous Air Pollutants (LESHAP) program;

iii. the approximate quantity of ACWM in cubic meters (cubic yards);

iv. the name and telephone number of the disposal site owner or operator;

v. the name and physical site location of the disposal site;

vi. the date transported;

vii. the name, address, and telephone number of the transporter(s) and;

viii. a certification that the contents of this consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations;

J.4.b. - K.1.c. …

2. unless a natural barrier adequately deters access by the general public, install and maintain warning signs and fencing as follows, or comply with Subparagraph K.1.b. of this Section:

a. display warning signs at all entrances and along the property line of the site or along the perimeter of the sections of the site where ACWM was deposited, at intervals of 165 feet or less. The warning sign shall:

i. be displayed in such a manner and location that a person can easily read the legend;

ii. conform to the requirements for signs specified in 29 CFR 1910.145(d); and

iii. display warning signs and labels using the appropriate legend with letter sizes and styles of sufficient size and contrast so as to be readily visible and legible as specified in 29 CFR 1926.1101(k)(7).

b. - c. …

3. the owner or operator may use an alternate control method that has received prior approval by the administrative authority rather than comply with the requirements of Paragraph K.1 or 2 of this Section;

4. - 5.b. …

c. the site is subject to LAC 33:III.Chapter 51.Subchapter M.

L. - M.3. …

4. for sources subject to Subsections I and J of this Section:

a. …

b. the average volume of asbestos-containing waste material disposed of, measured in yd^3/day;

M.4.c. - N.1. …

2. Unless a natural barrier adequately deters access by the general public, warning signs and fencing shall be installed and maintained as follows:

a. Warning signs shall be displayed at all entrances, and along the property line of the site or along the perimeter of the sections of the site where ACWM is deposited, at intervals of 165 ft or less. The warning signs shall:

i. ...

ii. conform to the requirements for signs specified in 29 CFR 1910.145(d); and

iii. display warning signs and labels using the appropriate legend with letter sizes and styles of sufficient size and contrast so as to be readily visible and legible as specified in 29 CFR 1926.1101(k)(7).

b - c. …

3. At the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, the asbestos-containing waste material that has been deposited at the site during the operating day or previous 24-hour period shall:

a. be covered with at least 6 inches of compacted nonasbestos-containing waste material; or

b. …

4. Rather than meet the no visible emission requirement of Paragraph N.1 of this Section, use an alternative emissions control method that has received prior written approval by the administrative authority according to the procedures of Subparagraph I.3.b of this Section.

5. For all ACWM received, the owner or operator of the active waste disposal site shall:

a. maintain waste shipment records using the ADVF f orm and including the following information:

i. …

ii. the name, DEQ identification number, address, and telephone number of the transporter(s);

iii. the quantity of ACWM in cubic yards and date received;

iv. the presence of improperly enclosed or uncovered waste, or any asbestos-containing waste material not sealed in leak-tight containers. Report in writing to the administrative authority identified in the ADVF, by the following working day, the presence of a significant amount of improperly enclosed or uncovered waste. Submit a copy of the ADVF along with the report; and

v. the date buried;

b. - d. …

6. Maintain, until closure, records of the location, depth and area, and quantity in cubic yards of ACWM within the disposal site on a map or diagram of the disposal area.

N.7. - O.4.c. …

P. Training and Accreditation Requirements

1. Asbestos Discipline

a. Worker. A person required by this Section to be trained as a worker shall comply with Subsections B, C, and

D of LAC 33:III.2799, Appendix A—Agent Accreditation Plan, in order to perform response actions, operations and maintenance, demolition or renovation activities that disturb RACM, and ACDA in a facility as required by this Section.

b. Contractor/Supervisor. A person required by this section to be trained as a contractor/supervisor shall comply with Subsections B, C, and D of LAC 33:III.2799, Appendix A—Agent Accreditation Plan, in order to supervise response actions, operations and maintenance, and demolition or renovation activities that disturb RACM, and ACDA in a facility as required by this Section.

c. Inspector. A person shall be accredited as an inspector in accordance with LAC 33:III.2799, Appendix A—Agent Accreditation Plan in order to inspect for asbestos materials in facilities regulated by this Section.

d. Air Monitor Personnel. A person shall be accredited as an asbestos contractor/supervisor in accordance with LAC 33:III.2799, Appendix A—Agent Accreditation Plan to conduct air monitoring for an asbestos abatement project or related activity in facilities regulated by this Section.

2. Contracted Personnel

When RACM is disturbed in any manner, including removal, encapsulation, enclosure, maintenance, or repairs by contracted personnel, those persons shall be accredited by DEQ in accordance with LAC 33:III.2799, Appendix A – Agent Accreditation Plan in one of the applicable disciplines: worker, contractor/supervisor, inspector, and air monitor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), repealed and repromulgated LR 18:1121 (October 1992), amended LR 20:1277 (November 1994), LR 24:27 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2462 (November 2000), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2449 (October 2005), LR 33:2095 (October 2007), LR 34:1893 (September 2008), amended by the Office of the Secretary, Legal Division, LR 40:519 (March 2014).

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 1. Solid Waste Regulations
Chapter 3. Scope and Mandatory Provisions of the Program

§303. Wastes Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations

A. The following solid wastes, when processed or disposed of in facilities that are operated in an environmentally sound manner are not subject to the permitting requirements or processing or disposal standards of these regulations:

1. – 7. …

8. agricultural wastes, including manures, that are removed from the site of generation by an individual for his own personal beneficial use on land owned or controlled by the individual. The amount of wastes covered by this exemption shall not exceed 10 tons per year (wet-weight) per individual per use location. To qualify for this exemption, records documenting the amount of wastes used for beneficial use on land owned or controlled by the generator shall be maintained. These records shall be kept for a minimum period of two years;

9. – 13. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2515 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2486 (October 2005), LR 33:1027 (June 2007), LR 33:2140 (October 2007), LR 37:3235 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:292 (February 2014).

Chapter 4. Administration, Classifications, and Inspection Procedures for Solid Waste Management Systems

§407. Inspection Types and Procedures

A. – C.3. …

4. Within 15 working days after a new, existing, or modified facility has undergone an initial start-up inspection, or within 30 days of receipt of the construction certification, the administrative authority shall issue a notice of deficiency or an approval of the construction and/or upgrade, unless a longer time period is set by mutual agreement.

D. – E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2487 (October 2005), LR 33:1032 (June 2007), LR 33:2142 (October 2007), LR 37:3235 (November 2011), repromulgated LR 37:3508 (December 2011), amended by the Office of the Secretary, Legal Division, LR 40:293 (February 2014).

Chapter 5. Solid Waste Management System
Subchapter B. Permit Administration

§513. Permit Process for Existing Facilities and for Proposed Facilities

A. – A.2.a. …

b. Permit holders who have been issued an initial final permit prior to November 20, 2011, and have not been issued an order to commence prior to November 20, 2011, shall provide written confirmation from the appropriate municipal or parish governing authority where the facility will be located, dated within 180 days prior to receiving an order to commence, indicating that the facility is or will be in compliance with all existing local zoning and land use restrictions.

A.3. – B.2. …

3. The prospective applicant shall file an *emergency response plan*, as defined in LAC 33:VII.115.A, with the Louisiana state fire marshal as a special structures plan, prior to submittal of a new or renewal application for a solid waste permit. The content of the plan shall be in accord with applicable sections of LAC 33:VII.Chapter 7. A copy of the plan shall also be sent to the Office of Environmental Services. Except as provided for in LAC 33:VII.513.B.4 or 5, no application for a permit to process or dispose of solid waste shall be filed with nor accepted by the administrative authority until the plan is approved by the Louisiana state fire marshal. The prospective applicant shall forward a copy of the approval to the Office of Environmental Services. The approved emergency response plan shall be considered applicable to subsequent permit applications submitted by the same applicant, unless a revised plan is filed with the Louisiana state fire marshal.

4. Any emergency response plan approved by the fire marshal before June 20, 2011, must be revised and submitted to the Louisiana fire marshal as a special structures plan, prior to submittal of a permit application or permit renewal application for a solid waste permit. The content of the revised plan shall be in accord with applicable sections of LAC 33:VII.Chapter 7. A copy of the revised plan shall also

be sent to the Office of Environmental Services. Except as provided for in LAC 33:VII.513.B.4 or 5, after June 20, 2011, no application for a permit to process or dispose of solid waste shall be filed with nor accepted by the administrative authority unless the plan has been approved by the Louisiana state fire marshal subsequent to June 20, 2011. The prospective applicant shall forward a copy of the approval to the Office of Environmental Services. Any revised emergency response plan approved after June 20, 2011, shall be considered applicable to subsequent permit applications submitted by the same applicant, unless a revised plan is filed with the Louisiana state fire marshal.

5. The requirements of Paragraph B.3 of this Section shall not apply if the prospective applicant can demonstrate that he has the ability to meet the emergency response requirements listed below. The prospective applicant shall provide this demonstration to the Office of Environmental Services and the Louisiana state fire marshal, at least 30 days prior to submittal of a new or renewal solid waste application.

a. Requirements for Demonstration

i. The prospective applicant shall describe arrangements (including contracts, where applicable) for providing his own emergency response services.

ii. The minimum qualification for firefighters/emergency responders shall be that of operations level responder from the National Fire Protection Association, Standard 472, or other appropriate requirement from an applicable National Fire Protection Association standard. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

iii. The demonstration shall include a list of all emergency equipment at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment.

6. The requirements of Paragraph B.3 of this Section shall not apply to permit modification requests, or to applications for permits (initial or renewal), deemed technically complete prior to June 20, 2011, except as directed by the administrative authority.

7. Pre-Application Public Notice

a. Prospective applicants shall publish a notice of intent to submit an application for a permit. This notice shall be published within 45 days prior to submission of the application to the Office of Environmental Services. The notice shall be published one time as a single classified advertisement in the legal or public notices section of the official journal of the state and a major local newspaper of general circulation in the area where the facility is located. If the facility is in the same parish or area as the official journal of the state, a single classified advertisement in the legal or public notices section of the official journal of the state shall be the only public notice required.

b. The public notice shall be published in accordance with the form provided in LAC 33:VII.3001.Appendix A.

8. Post-Application Public Notice

a. All applicants shall publish a notice of application submittal within 45 days after submitting the application to the Office of Environmental Services. This public notice shall be published one time as a single classified advertisement in the legal or public notices section of the official journal of the state and a major local newspaper of general circulation in the area where the facility is located. If the facility is in the same parish or area as the official journal of the state, a single classified advertisement in the legal or public notices section of the official journal of the state shall be the only public notice required.

b. The public notice shall be published in accordance with the form provided in LAC 33:VII.3003.Appendix B.

9. All prospective applicants are encouraged to meet with representatives of the Waste Permits Division prior to the preparation of a solid waste permit application to inform the department of the plans for the facility.

10. Applicants who are Type I only and who also do not propose to accept waste from off-site, other than off-site waste from affiliated persons, such as the applicant or any person controlling, controlled by, or under common control with, the applicant, are exempt from the requirements of LAC 33:VII.513.A.2.b and Paragraphs 1-2 of this Subsection.

11. Applicants for renewal or major modification of an existing permit are exempt from the requirements of Paragraphs 1-2 of this Subsection, provided that the application does not include changes that would constitute a physical expansion of the area(s) in which solid wastes are disposed beyond the facility's existing boundaries as set forth in the facility's existing permit.

12. Applicants for closure permits, applicants seeking authorization under a general permit, and minor modification requests are exempt from Paragraphs 1-5 of this Subsection.

13. Applicants whose types are I-A only or II-A only, or both I and I-A or both I-A and II-A are exempt from the requirements of Paragraphs 1 and 2 of this Subsection.

C.1. – G.5. …

6. A copy of the draft permit decision shall be sent to the parish governing authority where the facility is located.

7. Closure permits based on closure plans or applications, if not received as part of a permit application for a standard permit, shall not follow the draft permit decision process. Once a closure plan or application is deemed adequate, the administrative authority shall issue a closure permit.

H. – K. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2519 (November 2000), amended by the Office of Environmental Assessment, LR 30:2032 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2488 (October 2005), LR 33:1037 (June 2007), LR 33:2143 (October 2007), LR 37:1563 (June 2011), LR 37:3238 (November 2011), repromulgated LR 37:3510 (December 2011), amended by the Office of the Secretary, Legal Division, LR 40:293 (February 2014).

Subchapter C. Permit System for Facilities Classified for Upgrade or Closure

§517. Modifications of Permits and Other Authorizations to Operate

A. – B.1.i. …

2. Once an application for a permit modification that requires public notice has been determined by the Office of Environmental Services to be technically complete, the department shall proceed as follows:

a. For applications determined to be technically complete prior to November 20, 2011, the application shall be accepted for public review and the applicant shall provide additional copies as directed by the administrative authority. The department shall prepare a draft permit decision following the procedures in LAC 33:VII.513.G.2-6.

b. For applications determined to be technically complete on or after November 20, 2011, the department shall prepare a draft permit decision following the procedures of LAC 33:VII.513.G.1-6.

B.3. – D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2520 (November 2000), amended by the Office of Environmental Assessment, LR 30:2033 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2430, 2490 (October 2005), LR 33:1039 (June 2007), LR 33:2145 (October 2007), LR 37:3241 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:294 (February 2014).

Subchapter D. Permit Application

§519. Permit Application Form(s)

A. – B.1.l.ii. …

m. the zoning of the facility that exists at the time of the submittal of the permit application. (Note the zone classification and zoning authority, and include documentation stating that the proposed use does not violate existing land-use requirements.);

B.1.n. – C. …

* * *

D. Incomplete applications will not be accepted for review. The administrative authority shall notify the applicant when the application is determined to be incomplete. If the applicant elects to continue with the permit application process, the applicant shall follow the requirements provided in the notice. These requirements may include submitting additional information in the form of an application addendum or submitting a new application.

E. – G. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1040 (June 2007), LR 33:2145 (October 2007), LR 37:3242 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:294 (February 2014).

Subchapter E. Permit Requirements

§527. Construction Schedules

A. Final permits may allow or require the construction or upgrade of permitted units. If a permit allows or requires the construction or upgrading of a unit that is (or will be) directly involved in the processing or disposal of solid waste, the facility shall submit reports, on a schedule specified in the permit, describing the completed and current activities at the site from the beginning of the construction period until the construction certification required by LAC 33:VII.407.C is submitted to the Office of Environmental Services. The reports shall be submitted to the Office of Environmental Services and the appropriate DEQ Regional Office. These reports shall include, at a minimum, the following information:

1. – 8. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 37:3247 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:295 (February 2014).

Chapter 7. Solid Waste Standards

Subchapter A. Landfills, Surface Impoundments, Landfarms

§709. Standards Governing Type I and II Solid Waste Disposal Facilities

A. – B.2.d. …

3. Buffer Zones

a. Buffer zones of not less than 200 feet shall be provided between the facility and the property line. Buffer zones of not less than 300 feet shall be provided between the facility and the property line when the property line is adjacent to a structure currently being used as a church and having been used as a church prior to the submittal of a permit application. The requirement for a 300 foot buffer zone between the facility and a church shall not apply to any landfill or disposal facility existing prior to April 1, 2010, to any portion of such facility that has been closed or that has ceased operations, or to future expansions of the permitted disposal area of any such facility. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 200 feet from the facility (or 300 feet for a church). The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or modified by the administrative authority for areas of landfills that have been closed in accordance with these regulations and for existing facilities.

B.3.b. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1315 (October 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2490 (October 2005), LR 33:1045 (June 2007), LR 34:613 (April 2008), LR 35:925 (May 2009), LR 37:3248 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:295 (February 2014).

Subchapter B. Solid Waste Processors

§717. Standards Governing All Type I-A and Type II-A Solid Waste Processors

A. – B.2.d. …

3. Buffer Zones

a. Buffer zones of not less than 200 feet shall be provided between the facility and the property line. Buffer zones of not less than 300 feet shall be provided between the facility and the property line when the property line is adjacent to a structure currently being used as a church and having been used as a church prior to the submittal of a permit application. The requirement for a 300 foot buffer zone between the facility and a church shall not apply to any processing facility existing prior to April 1, 2010, to any portion of such facility that has been closed or that has ceased operations, or to future expansions of the permitted processing area of any such facility. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 200 feet from the facility (or 300 feet for a church). The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or modified by the administrative authority for areas of processing facilities that have been closed in accordance with these regulations and for existing facilities.

B.3.b. – I.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2526, 2610 (November 2000), repromulgated LR 27:704 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2494 (October 2005), LR 33:1061 (June 2007), LR 33:2148 (October 2007), LR 34:613 (April 2008), LR 35:926 (May 2009), LR 37:1566 (June 2011), LR 37:3252 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:295 (February 2014).

Subchapter C. Minor Processing and Disposal Facilities

§719. Standards Governing All Type III Processing and Disposal Facilities

A. – B.2.d. …

3. Buffer Zones

a. Buffer zones of not less than 50 feet shall be provided between the facility and the property line. Buffer zones of not less than 200 feet shall be provided between the facility and the property line for any new facility. The requirement for a 200 foot buffer zone between the facility and the property line shall not apply to any facility existing on November 20, 2011, to any portion of such facility that has been closed or that has ceased operations, or to future expansions of the permitted disposal area of any such facility. Buffer zones of not less than 300 feet shall be provided between the facility and the property line when the property line is adjacent to a structure currently being used as a church and having been used as a church prior to the submittal of a permit application. The requirement for a 300 foot buffer zone between the facility and a church shall not apply to any landfill or disposal facility existing prior to April 1, 2010, to any portion of such facility that has been closed or that has ceased operations, or to future expansions of the permitted disposal area of any such facility. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 50 feet from the facility (for facilities existing on November 20, 2011), less than 200 feet from the facility (for facilities constructed after November 20, 2011), or less than 300 feet from the facility (for facilities located less than 300 feet from a church). The facility's owner or operator shall

enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or modified by the administrative authority for areas of woodwaste/construction/demolition-debris landfills that have been closed in accordance with these regulations and for existing facilities. Notwithstanding this Paragraph, Type III air curtain destructors and composting facilities that receive putrescible, residential, or commercial waste shall meet the buffer zone requirements in LAC 33:VII.717.B.3. In addition, air curtain destructors shall maintain at least a 1,000-foot buffer from any dwelling other than a dwelling or structure located on the property on which the burning is conducted (unless the appropriate notarized affidavit waivers are obtained).

B.3.b. – E.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2495 (October 2005), LR 33:1065 (June 2007), LR 33:2149 (October 2007), LR 34:613 (April 2008), LR 35:926 (May 2009), LR 37:3252 (November 2011), repromulgated LR 37:3511 (December 2011), amended by the Office of the Secretary, Legal Division, LR 40:295 (February 2014).

Chapter 13. Financial Assurance for All Processors and Disposers of Solid Waste

§1303. Financial Responsibility for Closure and Post-Closure Care

A. – A.5. …

B. Financial Assurance Mechanisms. The financial assurance mechanism must be one or a combination of the following: a trust fund, a financial guarantee bond, a performance bond, a letter of credit, an insurance policy, or a financial test and/or corporate guarantee. The financial assurance mechanism is subject to the approval of the administrative authority and must fulfill the following criteria.

1. – 5.d. …

6. A financial assurance mechanism may be cancelled or terminated only if alternate financial assurance is substituted as specified in the appropriate Section or if the permit holder or applicant is no longer required to demonstrate financial assurance in accordance with these regulations.

C. – C.4. …

5. The permit holder or applicant may accelerate payments into the trust fund or deposit the full amount of the current closure cost estimate at the time the fund is established. The permit holder or applicant must, however, maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in Subparagraph A.3.d of this Section.

C.6. – F.2. …

3. The letter of credit must be accompanied by a letter from the permit holder or applicant referring to the letter of credit by number, issuing institution, and date, and providing the following information:

a. – c. …

d. facility name; and

e. facility permit number.

F.4. – O. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30: 2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1090 (June 2007), amended LR 33:2154 (October 2007), LR 36:2555 (November 2010), LR 37:3254 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:296 (February 2014).

§1399. Financial Documents—Appendices A, B, C, D, E, F, G, H, I, and J

A. – B. …

C. Reserved.

D. Appendix D

SOLID WASTE FACILITY
TRUST AGREEMENT/STANDBY TRUST AGREEMENT
[Facility name, agency interest number, and permit number]

This Trust Agreement, the "Agreement," is entered into as of [date] by and between [name of permit holder or applicant], a [name of state] [insert "corporation," "partnership," "association," or "proprietorship"], the "Grantor," and [name of corporate trustee], [insert "incorporated in the state of" or "a national bank" or "a state bank"], the "Trustee."

WHEREAS, the Department of Environmental Quality of the State of Louisiana, an agency of the state of Louisiana, has established certain regulations applicable to the Grantor, requiring that a permit holder or applicant for a permit of a solid waste processing or disposal facility shall provide assurance that funds will be available when needed for [closure and/or post-closure] care of the facility;

WHEREAS, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the facility identified herein;

WHEREAS, the Grantor, acting through its duly authorized officers, has selected [the Trustee] to be the trustee under this Agreement, and [the Trustee] is willing to act as trustee.

NOW, THEREFORE, the Grantor and the Trustee agree as follows:

SECTION 1. DEFINITIONS

As used in this Agreement:

(a). The term Grantor means the permit holder or applicant who enters into this Agreement and any successors or assigns of the Grantor.

(b). The term Trustee means the Trustee who enters into this Agreement and any successor trustee.

(c). The term Secretary means the Secretary of the Louisiana Department of Environmental Quality.

(d). The term Administrative Authority means the Secretary or his designee or the appropriate assistant secretary or his designee.

SECTION 2. IDENTIFICATION OF FACILITIES AND COST ESTIMATES

This Agreement pertains to the facilities and cost estimates identified on attached Schedule A. [On Schedule A, list the site identification number, site name, facility name, facility permit number, and the annual aggregate amount of current closure and/or post-closure cost estimates, or portions thereof, for which financial assurance is demonstrated by this Agreement.]

SECTION 3. ESTABLISHMENT OF FUND

The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the Louisiana Department of Environmental Quality. The Grantor and the Trustee intend that no third party shall have access to the Fund, except as herein provided. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached hereto. [Note: Standby Trust Agreements need not be funded at the time of execution. In the case of Standby Trust Agreements, Schedule B should be blank except for a statement that the Agreement is not presently funded, but shall be funded by the financial assurance document used by the Grantor in accordance with the terms of that document.] Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, in trust, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the administrative authority.

SECTION 4. PAYMENT FOR CLOSURE AND/OR POST-CLOSURE CARE

The Trustee shall make payments from the Fund as the administrative authority shall direct, in writing, to provide for the payment of the costs of [closure and/or post-closure] care of the facility covered by this Agreement. The Trustee shall reimburse the Grantor or other persons as specified by the administrative authority from the Fund for [closure and/or post-closure] expenditures in such amounts as the administrative authority shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the administrative authority specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

SECTION 5. PAYMENTS COMPRISED BY THE FUND

Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

SECTION 6. TRUSTEE MANAGEMENT

The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines, which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing that persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims, except that:

(a). Securities or other obligations of the Grantor, or any owner of the [facility or facilities] or any of their affiliates, as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2.(a), shall not be acquired or held, unless they are securities or other obligations of the federal or a state government;

(b). The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and

(c). The Trustee is authorized to hold cash awaiting investment or distribution, uninvested for a reasonable time and without liability for the payment of interest thereon.

SECTION 7. COMMINGLING AND INVESTMENT

The Trustee is expressly authorized, at its discretion:

(a). To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b). To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, or underwritten, or one to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares at its discretion.

SECTION 8. EXPRESS POWERS OF TRUSTEE

Without in any way limiting the powers and discretion conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a). To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b). To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c). To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all times show that all securities are part of the Fund;

(d). To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the federal or state government; and

(e). To compromise or otherwise adjust all claims in favor of, or against, the Fund.

SECTION 9. TAXES AND EXPENSES

All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and other proper charges and disbursements of the Trustee, shall be paid from the Fund.

SECTION 10. ANNUAL VALUATION

The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the administrative authority a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee, within 90 days after the statement has been furnished to the Grantor and the administrative authority, shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

SECTION 11. ADVICE OF COUNSEL

The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any questions arising as to the construction of this Agreement or any action to be taken hereunder. The

Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

SECTION 12. TRUSTEE COMPENSATION

The Trustee shall be entitled to reasonable compensation for its services, as agreed upon in writing from time to time with the Grantor.

SECTION 13. SUCCESSOR TRUSTEE

The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall, in writing, specify to the Grantor, the administrative authority, and the present Trustee, by certified mail 10 days before such change becomes effective, the date on which it assumes administration of the trust. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

SECTION 14. INSTRUCTIONS TO THE TRUSTEE

All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by the persons designated in the attached Exhibit A or such other persons as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the administrative authority to the Trustee shall be in writing and signed by the administrative authority. The Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or termination of the authority of any person to act on behalf of the Grantor or administrative authority hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or administrative authority, except as provided for herein.

SECTION 15. NOTICE OF NONPAYMENT

The Trustee shall notify the Grantor and the administrative authority, by certified mail, within 10 days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

SECTION 16. AMENDMENT OF AGREEMENT

This Agreement may be amended by an instrument, in writing, executed by the Grantor, the Trustee, and the administrative authority, or by the Trustee and the administrative authority, if the Grantor ceases to exist.

SECTION 17. IRREVOCABILITY AND TERMINATION

Subject to the right of the parties to amend this Agreement, as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the administrative authority, or by the Trustee and the administrative authority, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

SECTION 18. IMMUNITY AND INDEMNIFICATION

The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any direction by the Grantor or the administrative authority issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all reasonable expenses incurred in its defense in the event that the Grantor fails to provide such defense.

SECTION 19. CHOICE OF LAW

This Agreement shall be administered, construed, and enforced according to the laws of the state of Louisiana.

SECTION 20. INTERPRETATION

As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers duly authorized [and their corporate seals to be hereunto affixed] and attested to as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in LAC 33:VII.1399.Appendix D, on the date first written above.

WITNESSES:
_____
_____
Its:_____
[Seal]

GRANTOR:
_____
By:_____

TRUSTEE:
_____
By: _____
Its:_____
[Seal]

THUS DONE AND PASSED in my office in _____, on the _____ day of _____, 20 _____, in the presence of _____ and _____, competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

_____
Notary Public

[Example of Formal Certification of Acknowledgement]

STATE OF LOUISIANA
PARISH OF _____

BE IT KNOWN, that on this _____ day of _____, 20__, before me, the undersigned Notary Public, duly commissioned and qualified within the State and Parish aforesaid, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared _____, to me well known, who declared and acknowledged that he had signed and executed the foregoing instrument as his act and deed, and as the act and deed of the _____, a corporation, for the consideration, uses, and purposes and on terms and conditions therein set forth.

And the said appearer, being by me first duly sworn, did depose and say that he is the _____ of said corporation and that he signed and executed said instrument in his said capacity, and under authority of the Board of Directors of said corporation.

Thus done and passed in the State and Parish aforesaid, on the day and date first hereinabove written, and in the presence of _____ and _____, competent witnesses, who have hereunto subscribed their names as such, together with said appearer and me, said authority, after due reading of the whole.

WITNESSES:
_____
_____

NOTARY PUBLIC:
_____

E. – H. ...

I. Appendix I

SOLID WASTE FACILITY
LETTER FROM THE CHIEF FINANCIAL OFFICER
(Closure and/or Post-Closure)

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

Attention: Office of Environmental Services,
Waste Permits Division

RE: [Facility name, agency interest number, and permit number]

Dear Sir:

I am the chief financial officer of [name and address of firm, which may be the permit holder, applicant, or parent corporation of the permit holder or applicant]. This letter is in support of this firm's use of the financial test to demonstrate financial responsibility for [insert "closure," and/or "post-closure," as applicable] as specified in LAC 33:VII.1303.

[Fill out the following three paragraphs regarding facilities and associated closure and post-closure cost estimates. If your firm does not have facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, list the facility name, site name, agency interest number, site identification number, and facility permit number.]

1. The firm identified above is the [insert "permit holder," "applicant for a standard permit," or "parent corporation of the permit holder or applicant for a standard permit"] of the following facilities, whether in Louisiana or not, for which financial assurance for [insert "closure," "post-closure," or "closure and post-closure"] is guaranteed and demonstrated through a financial test similar to that specified in LAC 33:VII.1303 or other forms of self-insurance. The current [insert "closure," "post-closure," or "closure and post-closure"] cost estimates covered by the test are shown for each facility:

2. This firm guarantees through a corporate guarantee similar to that specified in LAC 33:VII.1303, for [insert "closure care," "post-closure care," or "closure and post-closure care"] of the following facilities, whether in Louisiana or not, of which [insert the name of the permit holder or applicant] are/is a subsidiary of this firm. The amount of annual aggregate liability coverage covered by the guarantee for each facility and/or the current cost estimates for the closure and/or post-closure care so guaranteed is shown for each facility:

3. This firm is the permit holder or applicant of the following facilities, whether in Louisiana or not, for which financial assurance for closure and/or post-closure care is not demonstrated either to the U.S. Environmental Protection Agency or to a state through a financial test or any other financial assurance mechanism similar to those specified in LAC 33:VII.1303. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility.

This firm [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed year, ended [date].

Closure and/or Post-Closure
[Fill in Alternative I if the criteria of LAC 33:VII.1303.H.1.a are used.]

Alternative I		
1. Sum of current closure and/or post-closure estimate (total all cost estimates shown above)	$	
*2. Tangible net worth	$	
*3. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.)	$	
	YES	NO
4. Is line 2 at least $10 million?		
5. Is line 2 at least 6 times line 1?		
*6. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 7.		
7. Is line 3 at least 6 times line 1?		

[Fill in Alternative II if the criteria of LAC 33:VII.1303.H.1.b are used.]

Alternative II		
1. Sum of current closure and/or post-closure estimate (total all cost estimates shown above)	$	
*2. Tangible net worth	$	
*3. Net worth	$	
*4. Current liabilities	$	
*5. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.)	$	
	YES	NO
6. Is line 4 divided by line 3 less than 1.5?		
7. Is line 2 at least $10 million?		
*8. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 9.		
9. Is line 5 at least 6 times line 1?		

[Fill in Alternative III if the criteria of LAC 33:VII.1303.H.1.c are used.]

Alternative III		
1. Sum of current closure and post-closure cost estimates (total of all cost estimates shown above)	$	
2. Current bond rating of most recent issuance of this firm and name of rating service		
3. Date of issuance of bond		
4. Date of maturity of bond		
*5. Tangible net worth (If any portion of the closure and/or post-closure cost estimate is included in "total liabilities" on your firm's financial statement, you may add the amount of that portion to this line.)	$	
*6. Total assets in U.S. (required only if less than 90 percent of the firm's assets are located in the U.S.)	$	
	YES	NO
7. Is line 5 at least $10 million?		
8. Is line 5 at least 6 times line 1?		
9. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 10.		
10. Is line 6 at least 6 times line 1?		

[Fill in Alternative IV if the criteria of LAC 33:VII.1303.H.1.d are used.]

Alternative IV		
1. Sum of current closure and/or post-closure estimate (total all cost estimates shown above)	$	
*2. Tangible net worth	$	
*3. Current liabilities	$	
*4. The sum of net income plus depreciation, depletion, and amortization	$	
5. Line 4 minus $10 million	$	
*6. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.)	$	
	YES	NO
7. Is line 5 divided by line 3 greater than 0.10?		
8. Is line 2 at least $10 million?		
*9. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 10.		
10. Is line 6 at least 6 times line 1?		

(The following is to be completed by all firms providing the financial test.)

I hereby certify that the wording of this letter is identical to the wording specified in LAC 33:VII.1399.Appendix I.

[Signature of Chief Financial Officer for the Firm]
[Typed Name of Chief Financial Officer]
[Title]
[Date]

J. Appendix J

SOLID WASTE FACILITY
CORPORATE GUARANTEE FOR
CLOSURE
AND/OR POST-CLOSURE CARE
[Facility name, agency interest number, and permit number]

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of the state of [insert name of state], hereinafter referred to as guarantor, to the Louisiana Department of Environmental Quality, obligee, on behalf of our subsidiary [insert the name of the permit holder or applicant] of [business address].

Recitals

1. The guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in LAC 33:VII.1303.H.9.

2. [Subsidiary] is the [insert "permit holder," or "applicant for a permit"] hereinafter referred to as [insert "permit holder" or "applicant"] for the following facility covered by this guarantee: [List the facility name, site name, agency interest number, site identification number, and facility permit number. Indicate for each facility whether guarantee is for closure and/or post-closure, and the amount of annual aggregate closure and/or post-closure costs covered by the guarantee.]

[Fill in Paragraphs 3 and 4 below if the guarantee is for closure and/or post closure.]

3. *Closure plans*, as used below, refers to the plans maintained as required by LAC 33:Part.VII, for the closure and/or post-closure care of the facility identified in Paragraph 2 above.

4. For value received from [insert "permit holder" or "applicant"], guarantor guarantees to the Louisiana Department of Environmental Quality that in the event that [insert "permit holder" or "applicant"] fails to perform [insert "closure," "post-closure care," or "closure and post-closure care"] of the above facility in accordance with the closure plan and other permit requirements whenever required to do so, the guarantor shall do so or shall establish a trust fund as specified in LAC 33:VII.1303.C, as applicable, in the name of [insert "permit holder" or "applicant"] in the amount of the current closure and/or post-closure estimates, as specified in LAC 33:VII.1303.

5. The guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within 90 days, by certified mail, notice to the administrative authority and to [insert "permit holder" or "applicant"] that he intends to provide alternative financial assurance as specified in [insert "LAC 33:VII.1301 " and/or "LAC 33:VII.1303"], as applicable, in the name of the [insert "permit holder" or "applicant"], within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless [insert "permit holder" or "applicant"] has done so.

6. The guarantor agrees to notify the administrative authority, by certified mail, of a voluntary or involuntary proceeding under Title 11 (bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.

7. The guarantor agrees that within 30 days after being notified by the administrative authority of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of closure and/or post-closure care he shall establish alternate financial assurance as specified in LAC 33:VII.1303, in the name of [insert "permit holder" or "applicant"], unless [insert "permit holder" or "applicant"] has done so.

8. The guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: [if the guarantee is for closure and post-closure insert "amendment or modification of the closure and/or post-closure care, the extension or reduction of the time of performance of closure and/or post-closure"] or any other modification or alteration of an obligation of the [insert "permit holder" or "applicant"] pursuant to LAC 33:Part.VII.

9. The guarantor agrees to remain bound under this guarantee for as long as the [insert "permit holder" or "applicant"] must comply with the applicable financial assurance requirements of [insert "LAC 33:VII.1301" and/or "LAC 33:VII.1303"] for the above-listed facility, except that guarantor may cancel this guarantee by sending notice by certified mail, to the administrative authority and to the [insert "permit holder" or "applicant"], such cancellation to become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the [insert "permit holder" or "applicant"], as evidenced by the return receipts.

10. The guarantor agrees that if the [insert "permit holder" or "applicant"] fails to provide alternative financial assurance as specified in [insert "LAC 33:VII.1301" and/or "LAC 33:VII.1303"], as applicable, and obtain written approval of such assurance from the administrative authority within 60 days after a notice of cancellation by the guarantor is received by the administrative authority from guarantor, guarantor shall provide such alternate financial assurance in the name of the [insert "permit holder" or "applicant"].

11. The guarantor expressly waives notice of acceptance of this guarantee by the administrative authority or by the [insert "permit holder" or "applicant"]. Guarantor expressly waives notice of amendments or modifications of the closure and/or post-closure plan and of amendments or modifications of the facility permit(s).

I hereby certify that the wording of this guarantee is identical to the wording specified in LAC 33:VII.1399.Appendix J, effective on the date first above written.

Effective date:_____
[Name of Guarantor]
[Authorized signature for guarantor]
[Typed name and title of person signing]

Thus sworn and signed before me this [date].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1098 (June 2007), amended LR 37:3258 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:296 (February 2014).

Subpart 2. Recycling

Chapter 103. Recycling and Waste Reduction Rules

§10313. Standards Governing the Accumulation of Recyclable Materials

A. The speculative accumulation of recyclable materials is prohibited. Recyclable materials subject to the speculative accumulation prohibition are those materials that:

1. – 3. …

B. A recyclable material is not speculatively accumulated, however, if:

1. the person or entity accumulating the material can demonstrate that the material is potentially recyclable, recoverable, and/or reclaimable and has a feasible means of being recycled, recovered, and/or reclaimed; and that—during the calendar year (commencing on January 1)—the amount of material that is recycled, recovered, and/or reclaimed on-site and/or sent off-site for recycling equals at least 50 percent by weight or volume of the amount of the

material accumulated at the beginning of the period. In calculating the percentage of turnover, the 50 percent requirement shall be applied to only material of the same type and that is recycled and in the same manner;

2. the administrative authority approves storage of the recyclable material for a period in excess of one year, even though the requirements of Paragraph 1 of this Subsection are not met; or

3. the administrative authority otherwise exempts the recyclable material from the standards provided in this Section.

C. – C.1. …

2. maintain records (e.g., manifests/trip tickets for disposal; bills of sale for materials) specifying the quantities of recyclable materials generated, accumulated and/or transported prior to use, reuse, or recycling; and

C.3. – D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 37:3260 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:301 (February 2014).

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection
Chapter 1. General Provisions

§102. Definitions and Abbreviations

As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain chapter may be found in that Chapter.

***

Accelerator-Produced Material—Repealed.

Accelerator-Produced Radioactive Material—any material made radioactive by a particle accelerator.

***

Byproduct Material—

1. any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

2. the tailings or wastes produced by the extraction or concentration of uranium or thorium (R.S. 30:2103) from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute byproduct material within this definition;

3. any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; or

4. any material that has been made radioactive by use of a particle accelerator, and is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and

5. any discrete source of naturally occurring radioactive material, other than source material that the Commission, in consultation with the administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and before, on, or after August 8, 2005, is extracted or converted after extraction for the use in a commercial, medical, or research activity.

***

Consortium—an association of medical use licensees and a *Positron Emission Tomography (PET) radionuclide production facility* as defined in this Section located in the same geographical area. They shall jointly own or share in the operation and maintenance cost of the PET radionuclide production facility that produces PET radionuclides for use in producing radioactive drugs within the consortium for noncommercial distributions among its associated members for *medical use* as defined in this Section. The PET radionuclide production facility within the consortium shall be located at an educational institution, a federal facility, or a medical facility.

***

Discrete Source—a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical or research activities.

***

Particle Accelerator—any machine capable of accelerating electrons, protons, deuterons or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 megaelectron volt.

***

Positron Emission Tomography (PET) Radionuclide Production Facility—a facility operating a cyclotron or accelerator for the purpose of producing PET radionuclides.

***

Waste—those low-level radioactive wastes that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level waste has the same meaning as in the Low-Level Radioactive Waste Policy Act, P.L. 96-573, as amended by P.L. 99-240, effective January 15, 1986; that is, radioactive waste:

1. not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in Section 11.e.(2) of the Atomic Energy Act (uranium or thorium tailings and waste) and in the definition of *byproduct material* of this Section; and

2. …

***

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 19:1421 (November 1993), LR 20:650 (June 1994), LR 22:967 (October 1996), LR 24:2089 (November 1998), repromulgated LR 24:2242 (December 1998), amended by the

Office of Environmental Assessment, Environmental Planning Division, LR 26:2563 (November 2000), LR 26:2767 (December 2000), LR 30:1171, 1188 (June 2004), amended by the Office of Environmental Assessment, LR 31:44 (January 2005), LR 31:1064 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:811 (May 2006), LR 32:1853 (October 2006), LR 33:1016 (June 2007), LR 33:2175 (October 2007), LR 34:982 (June 2008), LR 36:1771 (August 2010), amended by the Office of the Secretary, Legal Division, LR 38:2748 (November 2012), LR 40:283 (February 2014).

Chapter 3. Licensing of Radioactive Material

Subchapter A. Exemptions

§304. Radioactive Material Other Than Source Material

A. – B.1. …

2. Any person who possesses byproduct material received or acquired before September 25, 1971, under the general license, formerly provided in Section B.22, or under a similar general license is exempt from the requirements for a license set forth in this Chapter to the extent that such person possesses, uses, transfers, or owns such byproduct material. This exemption does not apply for radium-226.

3. – 4. …

C. Exempt Items

1. Certain Items Containing Byproduct Material. Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into, the following products, any person is exempt from these regulations to the extent that he or she receives, possesses, uses, transfers, owns, or acquires the following products.

a. – a.vii.(c). …

viii. 1 microcurie (0.037 MBq) of radium-226 per timepiece in intact timepieces manufactured prior to November 30, 2007.

1.b. – 2.b. …

3. Gas and Aerosol Detectors Containing Byproduct Material

a. Except for persons who manufacture, process, produce, or initially transfer for sale or distribution gas and aerosol detectors containing byproduct material, any person is exempt from the requirements for a license in these regulations to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material in gas and aerosol detectors designed to protect health, safety, or property and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under 10 CFR 32.26, which license authorizes the initial transfer of the product for use under this Section. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007, in accordance with a specific license issued by a state under comparable provisions to 10 CFR 32.26 authorizing distribution to persons exempt from regulatory requirements.

b. Any person who desires to manufacture, process, or produce gas and aerosol detectors containing byproduct material, or to initially transfer such products for use under LAC 33:XV.304.C.3.a shall apply for a license under 10 CFR 32.26 and for a certificate of registration in accordance with 10 CFR 32.210.

3.c. – 4.d. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 24:2091 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1226 (August 2001), amended by the Office of the Secretary, Legal Division, LR 38:2746 (November 2012), LR 40:283 (February 2014).

Subchapter C. General Licenses

§322. General Licenses: Radioactive Material Other Than Source Material

A. – A.2. …

B. Antiquities, Timepieces, and Luminous Devices

1. A general license is hereby issued to any person to acquire, receive, possess, use, or transfer, in accordance with the provisions of Paragraphs B.1-4 of this Section, radium-226 contained in the following products manufactured prior to November 30, 2007.

a. Antiquities Originally Intended for Use by the General Public. For the purposes of this Paragraph, antiquities are products originally intended for use by the general public and distributed in the late 19th and 20th centuries, (e.g., radium emanator jars, revigators, radium water jars, radon generators, refrigerator cards, radium bath salts, and healing pads);

b. intact timepieces containing greater than 0.037 megabecquerel (1 microcurie), nonintact timepieces, and timepiece hands and dials no longer installed in timepieces;

c. luminous items installed in air, marine, or land vehicles;

d. all other luminous products, provided that no more than 100 items are used or stored at the same location at any one time; and

e. small radium sources containing no more than 0.037 megabecquerel (1 microcurie) of radium-226. [For the purposes of this Paragraph, small radium sources are:

discrete survey instrument check sources, sources contained in radiation measuring instruments, sources used in educational demonstrations (e.g., cloud chambers and spinthariscopes), electron tubes, lightning rods, ionization sources, static eliminators, or as designated by the NRC.]

2. Persons who acquire, receive, possess, use, or transfer byproduct material under the general license issued under Paragraph B.1 of this Section are exempt from the provisions of LAC 33:XV.Chapters 3, 4, and 10, and specifically LAC 33:XV.341 and 342 to the extent that the receipt, possession, use, or transfer of byproduct material is within the terms of the general license; provided, however, that this exemption shall not be deemed to apply to any such person specifically licensed under this Chapter.

3. Any person who acquires, receives, possesses, uses, or transfers byproduct material in accordance with the general license in Paragraph B.1 of this Section shall:

a. notify the Office of Environmental Compliance within 30 days of possible damage to the product which may result in a loss of the radioactive material, including a brief description of the event and the remedial action taken;

b. not abandon products containing radium-226. The product, and any radioactive material from the product, may only be disposed of according to LAC 33:XV.499.Appendix D or by transfer to a person authorized by a specific license to receive the radium-226 in the product or as otherwise approved by another agreement state or the NRC;

c. not export products containing radium-226, except in accordance with 10 CFR 110;

d. dispose of products containing radium-226 at a disposal facility authorized to dispose of radioactive material in accordance with any federal or state solid or hazardous waste law. This includes the Solid Waste Disposal Act, as authorized under the Energy Policy Act of 2005, by transfer to a person authorized to receive radium-226 by a specific license issued under LAC 33:XV.Chapter 3 of these regulations, equivalent regulations of an agreement state, or as approved by the NRC; and

e. respond to written requests from the department to provide information relating to the general license within 30 calendar days of the date of the request, or the time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request additional time to supply the information by providing the department with a written justification for the request.

4. The general license in Paragraph B.1 of this Section does not authorize the manufacture, assembly, disassembly, repair, or import of products containing radium-226, except that timepieces may be disassembled and repaired.

C. Reserved.

D. Certain Detecting, Measuring, Gauging, and Controlling Devices

1. A general license is hereby issued to commercial and industrial firms and to research, educational, and medical institutions, individuals in the conduct of their business, and federal, state, or local government agencies to own, receive, acquire, possess, use, or transfer in accordance with the provisions of Paragraph D.2 of this Section, byproduct material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging, or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

2. The general license in Paragraph D.1 of this Section applies only to byproduct material contained in devices that have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the administrative authority in accordance with LAC 33:XV.328.D or in accordance with the specifications contained in a specific license issued by the U.S. Nuclear Regulatory Commission, any other agreement state, or a licensing state that authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state. Regulations under the Federal Food, Drug, and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon that is found in 21 CFR 179.21. The devices shall be received from one of the specific licensees described in this Paragraph or through a transfer made under Subparagraph D.3.h of this Section.

3. Any person who owns, receives, acquires, possesses, uses, or transfers byproduct material in a device pursuant to the general license in Paragraph D.1 of this Section shall do the following:

a. – b.ii. …

c. assure that the tests required by Subparagraph D.3.b of this Section and other testing, installation, servicing, and removal from installation involving the radioactive material, its shielding, or containment are performed:

i. – ii. …

d. maintain records showing compliance with the requirements of Subparagraphs D.3.b and c of this Section. The records shall show the results of tests. The records also shall show the dates of performance of, and the names of persons performing, testing, installation, servicing, and removal from installation of the radioactive material, its shielding, or containment. Records of tests for leakage of radioactive material required by Subparagraph D.3.b of this Section shall be retained for three years after the next required leak test is performed, or until the sealed source is transferred or disposed. Records of tests of the on-off mechanism and indicator required by Subparagraph D.3.b of this Section shall be maintained for three years after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed. Records required by Subparagraph D.3.c of this

Section shall be maintained for a period of three years from the date of the recorded event or until the device is transferred or disposed;

e. upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 0.005 microcurie (185 bequerel) or more of removable radioactive material, immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding an applicable specific license from the administrative authority, the U.S. Nuclear Regulatory Commission, or any other agreement state or licensing state to repair such devices, or disposed of by transfer to a person authorized by an applicable specific license to receive the radioactive material contained in the device and, within 30 days, furnish to the Office of Environmental Compliance a report containing a brief description of the event and the remedial action taken. In the case of detection of 0.005 microcurie or more of removable radioactive material or failure of or damage to a source likely to result in contamination of the premises or environs, a plan for ensuring that the premises and environs are acceptable for unrestricted use in accordance with LAC 33:XV.332.D shall be submitted to the Office of Environmental Compliance within 30 days of occurrence;

f. shall not abandon the device containing byproduct material;

g. except as provided in Subparagraph D.3.h of this Section, transfer or dispose of the device containing byproduct material only by export as provided in 10 CFR Part 110 or by transfer to a specific licensee of the department, the U.S. Nuclear Regulatory Commission, or any other agreement state or licensing state whose specific license authorizes him or her to receive the device and, within 30 days after transfer of a device to a specific licensee, except when the device is transferred to the specific licensee in order to obtain a replacement device, shall furnish to the Office of Environmental Compliance a report containing:

g.i. – k. …

l. register, in accordance with the provisions in this Subparagraph, devices containing at least 370 MBq (10 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, 3.7 megabecquerels (01 millicurie) of radium-226, or 37 MBq (1 mCi) of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on the activity indicated on the label. Each address for a location of use, as described in this Subparagraph, represents a separate general licensee and requires a separate registration and fee:

D.3.l.i. – J.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2567 (November 2000), LR 27:1226 (August 2001), LR 30:1663 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2524 (October 2005), LR 32:811 (May 2006), LR 33:448 (March 2007), LR 33:2177 (October 2007), amended by the Office of the Secretary, Legal Division, LR 40:284 (February 2014).

Subchapter D. Specific Licenses

§324. Filing Application for Specific Licenses

A. – C. …

D. An application for a license may include a request for a license authorizing one or more activities.

1. An application from a medical facility, educational institution, or a federal facility to produce positron emission tomography (PET) radioactive drugs for noncommercial transfer to licensees in its consortium authorized for medical use under Chapter 7 or the equivalent regulations in 10 CFR 35 of the U. S. Nuclear Regulatory Commission requirements shall include:

a. a request authorizing the production of PET radionuclides, or evidence of an existing license issued under LAC 33:XV.324 or 10 CFR 30 of the U. S. Nuclear Regulatory Commission requirements for a PET radionuclide production facility within its consortium from which it receives PET radionuclides;

b. evidence that the applicant is qualified to produce radioactive drugs for medical use by meeting one of the criteria in LAC 33:XV.328.J or 10 CFR 32.72(a)(2);

c. identification of the individual(s) authorized to prepare the PET radioactive drugs if the applicant is a pharmacy, and documentation that each individual meets the requirements of an authorized nuclear pharmacist as specified in LAC 33:XV.763.K or 10 CFR 32.72(b)(2); and

d. information submitted to members of its consortium for noncommercially transferred PET drugs on the radionuclide; the chemical and physical form; the maximum activity per vial, syringe, generator, or other container of the radioactive drug; and the shielding provided by the packaging to show it is appropriate for the safe handling and the storage of the radioactive drugs by medical use licensees.

2. Except as provided in Paragraphs D.3, 4, and 5 of this Section, an application for a specific license to use byproduct material in the form of a sealed source or in a device that contains the sealed source shall:

a. identify the source or device by manufacturer and model number as registered with the NRC under 10 CFR 32.210, with an agreement state, or for a source or a device containing radium-226 or accelerator-produced radioactive material with a state under provisions comparable to 10 CFR 32.210; or

b. contain the information identified in 10 CFR 32.210(c).

3. For sources or devices manufactured before October 23, 2012, that are not registered with the NRC under 10 CFR 32.210 or with an agreement state, and for which the applicant is unable to provide all categories of information specified in 10 CFR 32.210(c), the application shall include:

a. all available information identified in 10 CFR 32.210(c) concerning the source, and, if applicable, the device; and

b. sufficient additional information to demonstrate that there is reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. Such information shall include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of a recent leak test.

4. For sealed sources and devices allowed to be distributed without registration of safety information in accordance with 10 CFR 32.210(g)(1), the applicant may supply the manufacturer, model number, radionuclide, and quantity.

5. If it is not feasible to identify each sealed source and device individually, the applicant may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which they will be used, in lieu of identifying each sealed source and device.

E. – K. …

[1]These reporting requirements do not supersede or release licensees of complying with requirements under the Emergency Planning and Community Right-to-Know Act of 1986, Title III, Pub. L. 99-499 or other state or federal reporting requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 20:179 (February 1994), amended by the Office of the Secretary, LR 22:345 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2567 (November 2000), LR 27:1227 (August 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2525 (October 2005), LR 33:2178 (October 2007), amended by the Office of the Secretary, Legal Division, LR 40:286 (February 2014).

§328. Special Requirements for Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

A. – E.1.b. …

F. Special Requirements for License to Manufacture or Initially Transfer Calibration or Reference Sources Containing Americium-241 or Radium-226 for Distribution to Persons Generally Licensed under LAC 33:XV.322.G

1. An application for a specific license to manufacture or initially transfer calibration or reference sources containing americium-241 or radium-226, for distribution to persons generally licensed under LAC 33:XV.322.G, will be approved subject to the following conditions:

a. …

b. the applicant submits sufficient information regarding each type of calibration or reference source pertinent to evaluation of the potential radiation exposure, including:

i. chemical and physical form and maximum quantity of americium-241 or radium-226 in the source;

ii. details of construction and design;

iii. details of the method of incorporation and binding of the americium-241or radium-226 in the source;

iv. procedures for and results of prototype testing of sources, which are designed to contain more than 0.005 microcurie of americium-241 or radium-226, to demonstrate that the americium-241 or radium-226 contained in each source will not be released or be removed from the source under normal conditions of use;

v. details of quality control procedures to be followed in the manufacture of the source;

vi. description of labeling to be affixed to the source or the storage container for the source; and

vii any additional information, including experimental studies and test, required by the department to facilitate a determination of the safety of the source.

c. Each source shall contain no more than 5 microcuries of americium-241 or radium-226.

d. The department determines, with respect to any type of source containing more than 0.005 microcurie of americium-241or radium-226, that:

i. the method of incorporation and binding of the americium-241 or radium-226 in the source is such that the americium-241 will not be released or be removed from the source under normal conditions of use and handling of the source; and

ii. the source has been subjected to and has satisfactorily passed appropriate tests required by Subparagraph F.1.e of this Section.

e. The applicant shall subject at least five prototypes of each source that is designed to contain more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 to tests as follows:

i. the initial quantity of radioactive material deposited on each source is measured by direct counting of the source;

ii. the sources are subjected to tests that adequately take into account the individual, aggregate, and cumulative effects of environmental conditions expected in service that could adversely affect the effective containment or binding of americium-241 or radium-226, such as physical handling, moisture, and water immersion;

iii. the sources are inspected for evidence of physical damage and for loss of americium-241 or radium-226, after each stage of testing, using methods of inspection adequate for determining compliance with the criteria in Clause F.1.e.iv of this Section; and

iv. source designs are rejected for which the following has been detected for any unit: removal of more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 from the source or any other evidence of physical damage.

2. Each person licensed to manufacture or initially transfer calibration or reference sources shall affix to each source, or storage container for the source, a label which shall contain sufficient information relative to safe use and storage of the source and shall include the following statement or a substantially similar statement which contains the information called for in the following statement:[1]

a. the receipt, possession, use, and transfer of this source, Model ____, Serial No. ____, are subject to a general license and the regulations of the United States Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION-RADIOACTIVE MATERIAL-THIS SOURCE CONTAINS AMERICIUM-241 (or RADIUM-226).

DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

_____

(Name of Manufacturer or Initial Transferor)

3. Each person licensed to manufacturer or initially transfer calibration or reference sources shall perform a dry wipe test upon each source containing more than 3.7 kilobecquerels (0.1 microcurie) of americium-241 or radium-226 before transferring the source to a general licensee under LAC 33:XV.322.G or equivalent regulations of the U. S. Nuclear Regulatory Commission, licensing state or any other agreement state. This test shall be performed by wiping the entire radioactive surface of the source with a filter paper with the application of moderate finger pressure. The radioactivity on the filter paper shall be measured using methods capable of detecting 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226. If a source has been shown to be leaking or losing more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 by the methods described in this Paragraph, the source shall be rejected and shall not be transferred to a general licensee under LAC 33:XV.322.G or equivalent regulations of the U. S. Nuclear Regulatory Commission, licensing state, or any other agreement state.

G. Reserved.

H. Licensing the Manufacture and Distribution of Byproduct Material for Certain In Vitro Clinical or Laboratory Testing under a General License

1. An application for a specific license to manufacture or distribute byproduct material for use under an appropriate general license or equivalent will be approved subject to the following conditions:

a. …

b. the byproduct material is to be prepared for distribution in prepackaged units of:

i. iodine-125 in units not exceeding 0.37 megabecquerel (10 microcuries) each;

ii. iodine-131 in units not exceeding 0.37 megabecquerel (10 microcuries) each;

iii. carbon-14 in units not exceeding 0.37 megabequerel (10 microcuries) each;

iv. hydrogen-3 (tritium) in units not exceeding 1.85 megabecuerels (50 microcuries) each;

v. iron-59 in units not exceeding 0.74 megabecquerel (20 microcuries) each;

vi. cobalt-57 in units not exceeding 0.37 megabecquerel (10 microcuries) each;

vii. selenium-75 in units not exceeding 0.37 megabecquerel (10 microcuries) each; or

viii. mock iodine-125 in units not exceeding 1.85 kilobecquerels (0.05 microcurie) of iodine-129 and 0.185 kilobecquerel (0.005 microcurie) of americium-241 each; and

c. …

i. identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 0.37 megabecquerel (10 microcuries) of iodine-125, iodine-131, carbon-14, cobalt-57, or selenium-75; 1.85 megabecquerels (50 microcuries) of hydrogen-3 (tritium); or 0.74 megabecquerel (20 microcuries) of iron-59; or mock iodine-125 in units not exceeding 1.85 kilobecquerels (0.05 microcurie) of iodine-129 and 0.185 kilobecquerel (0.005 microcurie) of americium-241 each; and

ii. displaying the radiation caution symbol described in LAC 33:XV.450.A and the words, "CAUTION, RADIOACTIVE MATERIAL," and "Not for Internal or External Use in Humans or Animals".

H.1.d. – I.1.b. …

J. Manufacture, Preparation, or Transfer for Commercial Distribution of Radioactive Drugs Containing Byproduct Material for Medical Use under LAC 33:XV.Chapter 7

1. An application for a specific license to manufacture, prepare, or transfer for commercial distribution radioactive drugs containing byproduct material for use by persons authorized in accordance with LAC 33:XV.Chapter 7 shall be approved if the following conditions are met:

a. – b. …

i. registered or licensed with the U.S. Food and Drug Administration (FDA) as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding, or processing of a drug under 21 CFR 207.20(a);

ii. …

iii. licensed as a pharmacy by the Louisiana Board of Pharmacy;

iv. operating as a nuclear pharmacy within a federal medical institution; or

v. a positron emission tomography (PET) drug production facility licensed or registered with a state agency.

1.c. – 2. …

a. may prepare radioactive drugs for *medical use*, as defined in LAC 33:XV.102, provided that the radioactive drug is prepared by either an authorized nuclear pharmacist, as specified in Subparagraphs J.2.b and d of this Section, or an individual under the supervision of an authorized nuclear pharmacist as specified in LAC 33:XV.709;

b. – b.ii. …

iii. this individual is designated as an authorized nuclear pharmacist in accordance with Subparagraph J.2.d of this Section;

c. …

d. may designate a *pharmacist* as defined in LAC 33:XV.102 as an authorized nuclear pharmacist if the individual is identified as of December 2, 1994, as an *authorized user* on a nuclear pharmacy license issued by the department under these regulations if:

i. the individual was a nuclear pharmacist preparing only radioactive drugs containing accelerator-produced radioactive material; and

ii. the individual practiced at a pharmacy at a government agency or a federally recognized Indian tribe before November 30, 2007, or at all other pharmacies before August 8, 2009, or at an earlier date as recognized by the Nuclear Regulatory Commission;

e. shall provide to the Office of Environmental Compliance:

i. a copy of each individual's certification by the Board Of Pharmaceutical Specialties with the written attestation signed by a preceptor as required by LAC 33:XV.763.K.2;

ii. the department, Nuclear Regulatory Commission, or agreement state license;

iii. Nuclear Regulatory Commission master materials licensee permit;

iv. the permit issued by a licensee or Nuclear Regulatory Commission master materials permittee of broad scope or the authorization from a commercial nuclear pharmacy authorized to list its own authorized nuclear pharmacist; or

v. documentation that only accelerator-produced radioactive materials were used in the practice of nuclear pharmacy at a government agency or federally recognized Indian tribe before November 30, 2007, or at all other locations of use before August 8, 2009, or at an earlier date as noticed by the NRC; and

vi. a copy of the state pharmacy licensure or registration, no later than 30 days after the date that the licensee allows the individual to work as an authorized nuclear pharmacist, in accordance with Clauses J.2.b.i and iii of this Section.

J.3. – M.4.g. …

[1]Calibration and reference sources licensed under LAC 33:XV.322.G before January 19, 1975, may bear labels authorized by the regulations in effect on January 1, 1975.

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Subchapter Z. Appendices

§399. Schedules A and B, and Appendices A, B, C, D, E, F, and G

Schedule A – Footnotes to Schedule A:

***

NOTE 1. – 4. …

***

Schedule B Exempt Quantities	
Byproduct Material	**Microcuries**
*** [See Prior Text in Antimony 122 (Sb 122) – Cerium 144(Ce 144)]	
Cesium 129 (Cs 129)	100
*** [See Prior Text in Cesium 134 (Cs 134) – Chromium 51 (Cr 51)]	

Schedule B Exempt Quantities	
Byproduct Material	**Microcuries**
Cobalt 57 (Co 57)	100
***	
[See Prior Text in Cobalt 58m (Co 58m) - Gallium 72 (Ga 72)]	
Germanium 69 (Ge 69)	10
***	
[See Prior Text in Germanium 71 (Ge 71)]	
Gold (Au 195)	10
***	
[See Prior Text in Gold 198 (Au 198) - Hydrogen 3 (H 3)]	
Indium 111 (In 111)	100
***	
[See Prior Text in Indium 113m (In 113m) - Indium 115 (In 115)]	
Iodine 123 (I 123)	100
***	
[See Prior Text in Iodine 125 (I 125) - Iridium 194 (Ir 194)]	
Iron 52 (Fe 52)	10
***	
[See Prior Text in Iron 55 (Fe 55) - Potassium 42 (K 42)]	
Potassium 43 (K 43)	10
***	
[See Prior Text in Praseodymium 142 (Pr 142) - Rhodium 105 (Rh 105)]	
Rubidium 81 (Rb 81)	100
***	
[See Prior Text in Rubidium 86 (Rb 86) - Silver 111 (Ag 111)]	
Sodium 22 (Na 22)	10
***	
[See Prior Text in Sodium 24 (Na 24) - Ytterbium 175 (Yb 175)]	
Yttrium 87 (Y 87)	10
Yttrium 88 (Y 88)	10
***	
[See Prior Text in Yttrium 90 (Y 90) - Zirconium 97 (Zr 97)]	
Any byproduct material not listed above other than alpha-emitting byproduct material.	0.1

Footnotes to Schedule B – Appendix B; E.4. ...

Appendix C Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release		
Radioactive Material[1]	**Release Fraction**	**Quantity (curies)**
***		
[See Prior Text in Actinium-228 - Promethium-147]		
Radium-226	0.001	100
***		
[See Prior Text in Ruthenium-106 - Packaged waste, alpha[2]]		
Combinations of radioactive materials listed above[1]		

[1]For combinations of radioactive materials, consideration of the need for an emergency plan is required if the sum of the ratios of the quantity of each radioactive material authorized to the quantity listed for that material in Appendix E exceeds one.

[2]Waste packaged in Type B containers does not require an emergency plan.

Appendix D. – Appendix G. ...

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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.1.

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Chapter 4. Standards for Protection against Radiation

Subchapter H. Waste Disposal

§460. General Requirements

A. – A.3. …

4. as authorized in accordance with LAC 33:XV.461, 462, 463, or 464.

B. – B.3. …

4. disposal at a land disposal facility licensed in accordance with LAC 33:XV.Chapters 3, 13, and 14; or

5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of the Secretary, Legal Division, LR 40:289 (February 2014).

§465. Transfer for Disposal and Manifests

A. – D. …

E. Any licensee shipping byproduct material as defined in LAC 33:XV.102.*byproduct material.*3, 4, and 5 intended for ultimate disposal at a licensed land disposal facility shall document the information required for the consignee in accordance with the requirements specified in LAC 33:XV.499.Appendix D.

F. Licensed material as defined in LAC 33:XV.102.*byproduct material.*3, 4, and 5 may be disposed of in accordance with LAC 33:XV.Chapter 13, even though it is not defined as low level radioactive waste. Therefore,

any licensed byproduct material being disposed of at a facility licensed under LAC 33:XV.Chapter 13 shall meet the requirements of Subsections A – E of this Section. A licensee may dispose of *byproduct material*, as defined in LAC 33:XV.102.*byproduct material*.3, 4, and 5, at a disposal facility authorized to dispose of such material in accordance with any federal or state solid or hazardous waste law, including the Solid Waste Disposal Act, as authorized under the Energy Policy Act of 2005.

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Subchapter Z. Appendices

§499. Appendices A, B, C, D, E

Appendix A – Appendix B, Table III "Releases to Sewers"

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Tables I, II, and III								
Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	Monthly Average Concentration (µCi/ml)
			Oral Ingestion ALI (µCi)	Inhalation		Air (µCi/ml)	Water (µCi/ml)	
				ALI (µCi)	DAC (µCi/ml)			
*** [See Prior Text Atomic No. 1 Hydrogen -3– Atomic No. 6 Carbon 14]								
7	Nitrogen-13[2]	Submersion[1]	-	-	4E-6	2E-8	-	-
8	Oxygen-15[2]	Submersion[1]	-	-	4E-6	2E-8	-	-
*** [See Prior Text in Atomic No. 9 Fluorine-18[2 –] Atomic No. 101 Mendelevium-258]								
-	Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life less than 2 hours	Submersion[1]	-	2E+2	1E-7	1E-9	-	-
-	Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life greater than 2 hours		-	2E-1	1E-10	1E-12	1E-8	1E-7
-	Any single radionuclide not listed above that decays by alpha emission or spontaneous fission, or any mixture for which either the identity or the concentration of any radionuclide in the mixture is not known	-	-	4E-4	2E-13	1E-15	2E-9	2E-8

ENDNOTES: 1. – 3. …

***

NOTE: 1. – 4. ...

***

Appendix C. – Appendix E. …

A. – C. ...

***

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.1.

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Chapter 7. Use of Radionuclides in the Healing Arts

§717. Assay of Radiopharmaceutical Dosages

A. – B.2.a. …

b. a U.S. Nuclear Regulatory Commission or agreement state licensee, for use in research in accordance with a Radioactive Drug Research Committee-approved protocol or an Investigational New Drug (IND) protocol accepted by FDA; or

c. a PET radioactive drug producer license as specified in LAC 33:XV.324.D, equivalent agreement state requirements or equivalent Nuclear Regulatory Commission requirements.

C. – C.2. …

3. a combination of volumetric measurements and mathematical calculations, based on the measurement made by:

a. a manufacturer or preparer licensed under LAC 33:XV.328.J or equivalent agreement state requirements; or

b. a PET radioactive drug producer licensed under LAC 33:XV.324.D, equivalent agreement state requirements or Nuclear Regulatory Commission requirements.

D. – E.5. …

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§729. Use of Radiopharmaceuticals for Uptake, Dilution, or Excretion Studies

A. – B. …

C. The radiopharmaceuticals specified in Subsection A of this Section shall be:

1. obtained from a manufacturer or preparer, or a PET radioactive drug producer, licensed in accordance with LAC 33:XV.328.J, equivalent Nuclear Regulatory Commission requirements, or agreement state requirements;

2. – 4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.1.

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§731. Use of Radiopharmaceuticals, Generators, and Reagent Kits for Imaging and Localization Studies

A. – F. …

1. obtained from a manufacturer or preparer, or a PET radioactive drug producer, licensed in accordance with LAC 33:XV.328.K, equivalent Nuclear Regulatory Commission requirements, or agreement state requirements; or

F.2. – H.1. …

a. obtained from a manufacturer or preparer, or a PET radioactive drug preparer, licensed under LAC 33:XV.328.J, equivalent Nuclear Regulatory Commission requirements, or equivalent agreement state requirements; or

b. – d. …

I. A licensee may use the authorization under LAC 33:XV.328.K, Nuclear Regulatory Commission, or agreement state requirements to produce positron emission tomography (PET) radioactive drugs for noncommercial transfer to medical use licensees in its consortium. This does not relieve the licensee from complying with applicable FDA, other federal agencies, and agreement state requirements governing radioactive drugs.

J. Each licensee authorized under LAC 33:XV.328.K to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium shall:

1. satisfy the labeling requirements in this Chapter for each PET radioactive drug transport radiation shield and each syringe, vial, or other container used to hold a PET radioactive drug intended for noncommercial distribution to members of its consortium; and

2. possess and use instrumentation to measure the radioactivity of the PET radioactive drugs intended for

noncommercial distribution to members of its consortium and meet the procedural, radioactivity measurement, instrument test, instrument check, and instrument adjustment requirements in this Chapter.

K. A licensee that is a pharmacy authorized under LAC 33:XV.328.K to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium shall require that any individual who prepares PET radioactive drugs shall be:

1. an *authorized nuclear pharmacist* as defined in LAC 33:XV.102 and meets the requirements of LAC 33:XV.763.K;

2. a physician who is an *authorized user* as defined in LAC 33:XV.102 and meets the requirements specified in LAC 33:XV.763.D or E; or

3. an individual who was trained under the supervision of an *authorized user* or an *authorized nuclear pharmacist* as specified in LAC 33:XV.709.A or B.

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§732. Permissible Molybdenum-99 Concentration

A. A licensee shall not administer to humans a radiopharmaceutical containing:

1. more than 0.15 microcurie of molybdenum-99 per millicurie of technetium-99m (0.15 kilobecquerel of molybdenum-99 per megabecquerel of technetium-99m);

2. more than 0.02 kilobecquerel of strontium-82 per megabecquerel of rubidium-82 chloride injection (0.02 microcurie of strontium-82 per millicurie of rubidium-82 chloride); or

3. more than 0.2 kilobecquerel of strontium-85 per megabecquerel of rubidium-82 chloride injection (0.2 microcurie of strontium-85 per millicurie of rubidium-82).

B. A licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators shall measure the molybdenum-99 concentration or the rubidium-82 concentration in each eluate or extract.

C. A licensee who must measure molybdenum concentration shall retain a record of each measurement for three years. The record shall include, for each elution or extraction of technetium-99m, the measured activity of the technetium expressed in millicuries (megabecquerels), the measured activity of molybdenum expressed in microcuries (kilobecquerels), the ratio of the measures expressed as microcuries of molybdenum per millicurie of technetium (kilobecquerels of molybdenum per megabecquerel of technetium), the date of the test, and the initials of the individual who performed the test.

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.1.

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§735. Use of Radiopharmaceuticals for Therapy

A. – B. …

1. obtained from a manufacturer, preparer, or a PET radioactive drug producer, licensed in accordance with LAC 33:XV.328.J or equivalent Nuclear Regulatory Commission or agreement state requirements; or

B.2. – C.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.1.

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Chapter 13. Licensing Requirements for Land Disposal of Radioactive Waste

Subchapter A. General Provisions

§1302. Definitions

A. As used in this Chapter, the following definitions apply.

***

Waste—those low-level radioactive wastes containing source, special nuclear, or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste has the same meaning as in the Low-Level Radioactive Waste Policy Act, P.L. 96-573, that is radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in Section 11.e (2) of the Atomic Energy Act (uranium or thorium tailings and waste) and LAC 33:XV.102.*byproduct material*.

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